

CIVIL NUCLEAR COOPERATION WITH PAKISTAN: PROSPECTS AND CONSEQUENCES

HEARING BEFORE THE SUBCOMMITTEE ON TERRORISM, NONPROLIFERATION, AND TRADE OF THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTEENTH CONGRESS

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TUESDAY, DECEMBER 8, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TERRORISM, NONPROLIFERATION, AND TRADE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:01 p.m., in room 2172, Rayburn House Office Building, Hon. Ted Poe (chairman of the subcommittee) presiding.

Mr. POE. The subcommittee will come to order.

Without objection, all members may have 5 days to submit statements, questions, and extraneous materials for the record, subject to the length limitation in the rules.

Since the United States entered into a civil nuclear cooperation agreement with India in 2005, Pakistan has pressed for a similar arrangement. Pakistan sent a 56-page document to the U.S. officials in 2010 reiterating its request for U.S. support for its civilian nuclear program. Since 2010, U.S. officials have hinted at the possibility of this prospect. U.S. Ambassador to Pakistan Anne Patterson commented at the time that we were “beginning to have a discussion with Islamabad about this issue.” She noted that, while the U.S. had serious nonproliferation concerns, we are beginning to pass on those.

Nothing came out of those discussions. This past October, news outlets suddenly reported that the administration was allegedly revisiting this possibility. Administration officials quickly denied these claims, but this serious and recurring topic requires more examination. Discussions about a potential nuclear deal could send the wrong message to Pakistan, in my opinion, the Benedict Arnold of American allies.

Pakistan crossed the nuclear weapons threshold in 1985 under the direction of the notorious scientist A.Q. Khan. In the very early years of the network, Khan established an extensive clandestine network in order to obtain necessary technologies and materials. Later on, Khan used similar channels to make a profit by selling nuclear designs and materials to other countries.

The A.Q. Khan network is believed to have sold sensitive nuclear technology to the most unstable countries on the planet. It was the Khan network that allowed North Korea to get its uranium enrichment program up and running. Khan also sold Libya design secrets and nuclear weapons components during the same time. In 1987,

Iran admitted to international inspectors that Khan's network provided scientists with centrifuge specifications and equipment.

So we have North Korea, we have Libya, and we have Iran. Pakistani scientists even met with Osama bin Laden in 1998 to discuss how to create a nuclear bomb. The full extent of the network's illicit proliferation remains unknown because Pakistan just won't come clean.

Pakistan's ties to terrorists do not end with the discussions about nuclear weapons. Pakistan has a long history of supporting terrorist proxies as a way of increasing its leverage in the region. Pakistan maintains close links with the Afghan Taliban, even allegedly holding direct meetings with senior leaders and coordinating attacks.

There is evidence that Pakistan worked closely with Al Qaeda, helping the terrorists move arms and fighters in and out of Afghanistan to kill U.S. troops. In 2011, Admiral Mike Mullen, then Chairman of the U.S. Joint Chiefs of Staff, testified before Congress that Pakistan supported numerous terrorist attacks by the Haqqani network in Afghanistan against American troops. What an indictment.

One truck bombing at the NATO outpost south of Kabul on September 10, 2011, killed at least 5 people and wounded 77 coalition soldiers. The attack was one of the worst tolls for foreign troops in a single attack in the war. Another Pakistan-supported Haqqani network was an assault on the U.S. Embassy that killed 16 Afghan police officers and civilians. Mullen said, "The Haqqani network acts as a veritable arm of the Pakistan's Inter-Services Intelligence Agency."

Meanwhile, Pakistan is among the leading recipients of U.S. foreign assistance post-9/11. Congress has appropriated more than \$30 billion in assistance to Pakistan between 2002 and 2015. Instead of talking about the possibility of rewarding Pakistan with a nuclear deal, we should be enforcing the consequences for Pakistan's bad behavior. It seems ironic to me we keep sending money to Islamabad while Pakistan continues supporting terrorist groups that have killed American troops. This has got to cease.

There are more steps in stopping its support for terrorists that Pakistan needs to take before we could even entertain the possibility of some kind of new type of nuclear agreement with them. They should start with disclosing exactly who they have given nuclear technology to. They need to fess up.

Pakistan should slow down its rapid production of nuclear weapons. Pakistan already has 110 to 130 nuclear warheads and enough material to bring that total up to 400 to 500. If it continues on its current pace, it will surpass the United Kingdom as the fifth-largest nuclear-weapons state in the world.

A civilian nuclear cooperation agreement would legitimize the Pakistani nuclear weapons program and reward Islamabad for its long history of bad behavior. We have already signed a bad agreement with Iran; we cannot afford to enter into another bad nuclear agreement that would further endanger not just American security but global security.

And that's the way it is.

I will now yield to the ranking member from Massachusetts, Mr. Keating, for his opening statement.

Mr. KEATING. Thank you, Mr. Chairman.

And thank you to the witnesses who appear today.

As we consider the issue of possible future civil nuclear cooperation with Pakistan, it is important to keep in mind that no agreement of any kind is on the table or appears very likely in the near future. Recent talks between the United States and Pakistan on this subject seem to be preliminary, and there is little indication at this juncture that Pakistan would agree to the sorts of constraints on the nuclear arsenal on which the United States would insist. Any arrangement allowing for U.S. civilian nuclear cooperation with Pakistan is hypothetical at this point.

With that said, Pakistan's security situation and its disputes with India present many serious risks. And I look forward to the testimony today on how best the United States can act to manage these risks. Many analysts view Pakistan's nuclear weapons and the risks that these weapons could fall into the hands of terrorists or be used by Pakistan in an armed conflict with India as one of the world's most dangerous problems.

In addition to being a nuclear-arms state in an extremely dangerous neighborhood, Pakistan presents other difficulties, as well. Pakistan has a history of proliferation. The network led by one of the founders of its nuclear program, A.Q. Khan, sold nuclear-weapons-related equipment and technology to Iran, Libya, and North Korea.

Further, while the United States partners with Pakistani counterterrorism activities, Pakistan has sometimes failed to tackle and elements of the government have lent even active support to violent extremist organizations, such as LET in Kashmir and Haqqani and the network that it organizes in Afghanistan. Perhaps most disturbingly, Pakistan's intelligence service, the ISI, is reported to have provided considerable assistance to LET in planning the November 2008 terrorist attacks in Mumbai that killed 166 people, including 5 U.S. citizens.

To be sure, Pakistan is a difficult partner in counterterrorism, just as it can be with respect to counterproliferation. Yet the issues of the security of Pakistan's nuclear arsenal, the prevention of further proliferation of Pakistan's nuclear equipment and technology, and deescalating nuclear tensions with India are not issues the United States can ignore. We must engage with Pakistan on these critical subjects.

I look forward to the information and discussion today of our witnesses on how best we can work with Pakistan and other stakeholders on these issues.

I yield back.

Mr. POE. I thank the gentleman.

The Chair will recognize the gentleman from California, Mr. Sherman, for a 1-minute opening statement.

Mr. SHERMAN. Thank you, Mr. Chairman.

I was once chairman of this subcommittee. I see the ranking membership is in great hands. But one of the reasons why I moved over to Asia is I believe the greatest threat we have of the use of nuclear weapons is indeed in South Asia.

I don't think that there is any chance that a civil nuclear deal would be approved by Congress, but that doesn't mean that we shouldn't be talking to the Pakistanis about it. And I think our focus should be not to punish Pakistan for the proliferation of the past but to see if we can get an improvement in Pakistani behavior in the future.

Pakistan is the world's only schizophrenic nuclear power. Pakistan doesn't just confuse anyone who studies it, it is, in fact, confused. Just the military elements are simultaneously fighting terrorists on the ground, at great cost, and supporting terrorists at the same time.

And we see India, which needs to be persuaded that if there is a terrorist attack it cannot respond by pushing its military across the border, and Pakistan, which must be persuaded that no matter what happens with conventional weapons they cannot cross the line to nuclear. And there is no such thing as a small nuclear weapon.

So I look forward to the gentlemen in front of us telling us how we can easily solve this problem.

I yield back.

Mr. POE. Without objection, all members will have 5 days to submit statements and questions and extraneous materials for the record, subject to the length limitation in the rules.

Without objection, all the witnesses' prepared statements will be made part of this record.

I ask that each witness will keep their presentation to no more than 5 minutes.

As you probably heard, the bells are ringing. We are voting again. We will adjourn at some appropriate time, or recess at some appropriate time, so that we can vote.

I will introduce each witness and then give each of you time to summarize your statements.

Ambassador Haqqani is a Pakistan scholar and public figure who served as Pakistan's Ambassador to the United States from 2008 to 2011. He is widely credited with managing a difficult period of U.S. and Pakistan relations during the global war on terrorism.

Mr. Ambassador, welcome for being here.

Dr. Daniel Markey is a senior research professor at the Johns Hopkins University School of Advanced International Studies. Previously, he was a senior fellow for India, Pakistan, and the South Asia at CFR, where he specialized in security and governance issues.

Mr. Henry Sokolski is currently the executive director of the Nonproliferation Policy Education Center. He previously served in the Pentagon as Deputy for Nonproliferation Policy and received a medal for outstanding public service from the Secretary of Defense, Dick Cheney.

It is good to have you back before our subcommittee.

And Dr. George Perkovich is vice president for studies at the Carnegie Endowment for International Peace, where he focuses on nuclear strategy, nonproliferation issues, and South Asian security. He is also the author of the prize-winning book, "India's Nuclear Bomb."

At this time, the subcommittee will be in recess until this series of votes are over. We will be back, and then we will get to hear what you have to say about this complex issue. Thank you, gentlemen.

We will be in recess.

[Recess.]

Mr. POE. The subcommittee will come to order.

For everyone's information, it is my understanding that this series of interruptions will continue for the foreseeable evening, but let's see how far we can go.

Mr. Ambassador.

STATEMENT OF HIS EXCELLENCY HUSAIN HAQQANI, DIRECTOR FOR SOUTH AND CENTRAL ASIA, THE HUDSON INSTITUTE

Ambassador HAQQANI. Mr. Chairman, thank you very much for this opportunity to share with you and members of this committee my views on U.S.-Pakistan relations in general and the civil nuclear cooperation in particular.

My written statement is already in front of the committee. Fundamentally, my point is that, although the Obama administration and Pakistani officials have both officially stated that formal negotiations are not currently underway for a civil nuclear deal for Pakistan, it is obvious that at least some elements of the current administration think that they can secure a change in Pakistan's policies by offering it a nuclear accord along the lines offered to India.

It is argued that, in return for Pakistan agreeing to restrict its nuclear program to weapons and delivery systems that are appropriate to its actual defense needs against India's nuclear threat, "the United States might support an eventual waiver for Pakistan by the 48-nation Nuclear Suppliers Group."

Pakistani officials have already said that, since they already get their nuclear materials from China, there is no advantage to them of membership of the Nuclear Suppliers Group.

The expectation that Pakistan would limit its nuclear arsenal is similar to the unrealistic expectation during the 1980s that supplying Pakistan with large amounts of economic aid and state-of-the-art military equipment, including F-16 aircraft, would lead to Pakistan stopping short of developing nuclear weapons altogether.

In my written testimony, you will actually find exact quotes from American officials who at that time reassured and assured Congress several times that support for Pakistan's conventional military buildup was the only way to save Pakistan from going nuclear. And we all know where that led us.

The reason why such mistakes have been made—and I have written an entire book on the subject—is because American officials often fail to understand Pakistan's ambitions in South Asia and the policies that follow from those ambitions.

If the purpose of Pakistan's development of nuclear weapons had been just to ensure that Pakistan was not overrun by a superior Indian military force, which is a legitimate defense goal, that objective was met by Pakistan nuclear tests conducted in 1998. Pakistan has refused to abjure first use of nuclear weapons in a conflict, a

position similar to that of North Korea, which also claimed that it feared being overrun by a superior conventional force.

The most likely scenario for nuclear conflict or military escalation on the subcontinent at the moment involves escalation resulting from terrorism of the kind we all witnessed in Mumbai in 2008.

Notwithstanding attempts in the United States to sell the prospect of a deal as a restraint on Pakistan's nuclear capabilities, Pakistan's leaders see parity with India as the only reason they should seek a civil nuclear deal with the United States. Ever since the U.S.-India's nuclear deal of 2005, as Mr. Chairman, you pointed out, Pakistan's leaders have sought a similar deal to affirm that the two South Asian neighbors are equal in status and prestige.

American readiness to look the other way at Pakistan's conduct, such as support for jihadi terrorists, including the Afghan Taliban and the discovery of Osama bin Laden in a Pakistani garrison town, as well as U.S. willingness to offer aid to Pakistan even without fulfillment of conditionality mandated by Congress on the basis of Secretary of State's waivers has often ended up as an enabler of Pakistan's dysfunction.

I would argue that Pakistan's dysfunction stems from its desire to compete with India. Instead of discussing civil nuclear deals and selling more military equipment to Pakistan, U.S. officials should convince Pakistan that its ambitions of rivaling India are akin to Belgium trying to rival France or Germany. India's population is 6 times as large as Pakistan's, while India's economy is 10 times bigger and growing. India's \$2 trillion economy has managed consistent growth, whereas Pakistan's \$245 billion economy has grown sporadically and is undermined by jihadist terrorism and domestic political chaos.

Pakistan also continues to depend on Islamist ideology through its school curricula, propaganda, and Islamic legislation to maintain internal nationalist cohesion, which inevitably encourages extremism and religious intolerance.

It must be understood that, like all nations, Pakistan has a right to defend itself, and nobody denies it that right. Pakistan's concern about resolution of the dispute over Jammu and Kashmir also deserves attention, albeit by peaceful means.

But Pakistan's security needs should be judiciously examined. Unlike other countries, Pakistan did not raise an army to match the threats it faces. Pakistan inherited 33 percent of British India's army, raised for the Second World War, at independence in 1947, and has sought to identify threats that matched the size of that army.

Pakistan is the sixth-largest nation in the world by population but only 26th by size of GDP on a purchasing power parity basis and 42nd in nominal GDP. It has the world's sixth-largest nuclear arsenal and eighth-largest army but performs poorly in most non-military indices. Pakistan's literacy rate stands at 52 percent, and the country has one of the highest percentages of out-of-school children in the world.

The military and intelligence services that dominate Pakistani national security decision making have sacrificed their country's prosperity and progress in their relentless pursuit of military com-

petition with India. Forcing New Delhi's hand on Kashmir has become more important than educating Pakistan's children.

Since the 1950s, U.S. policy has ended up nurturing Pakistan's military and keeping alive its dream of parity with India——

Mr. POE. Summarize your comments, Mr. Ambassador. We have a long way to go. Your statements are in the record, so summarize your final comments.

Ambassador HAQQANI. My final comment is that raising the prospect of a civil nuclear deal with Pakistan without addressing the country's dysfunction and militarism will aid neither U.S. policy objectives nor the people of Pakistan, who are perhaps the biggest victims of the national elite's erroneous policies.

Thank you.

[The prepared statement of Mr. Haqqani follows:]

**U.S. House of Representatives
Committee on Foreign Affairs
Terrorism, Nonproliferation, and Trade Subcommittee
December 8, 2015**

“Civil Nuclear Cooperation with Pakistan: Prospects and Consequences”

Written Testimony

**By: Ambassador Husain Haqqani
Director, South & Central Asia, Hudson Institute**

Although Obama administration and Pakistani officials have both officially stated that formal negotiations are not under way for a civil-nuclear deal for Pakistan, several media reports suggest that elements in the current US administration think they can secure change in Pakistan’s policies by offering it a nuclear accord along the lines offered to India in 2005.

In a Washington Post article published on October 6, 2015, David Ignatius described the rationale for civil nuclear cooperation as a way to deal with ‘one of the world’s most dangerous security problems.’ The article argued that in return for Pakistan agreeing “to restrict its nuclear program to weapons and delivery systems that are appropriate to its actual defense needs against India’s nuclear threat” “the United States might support an eventual waiver for Pakistan by the 48-nation Nuclear Suppliers Group.”

On October 15, 2015 David Sanger reported in the New York Times that talks were being held because of “American concern that Pakistan might be on the verge of deploying a small tactical nuclear weapon — explicitly modeled on weapons the United States put in Europe during the Cold War to deter a Soviet invasion — that would be far harder to secure than the country’s arsenal of larger weapons.”

The expectation that Pakistan would limit its nuclear arsenal is similar to the unrealistic expectation during the 1980s that supplying Pakistan with large amounts of economic aid and state-of-the art military equipment, including F-16 aircraft, would lead to Pakistan stopping short of developing nuclear weapons altogether. It stems from failing to understand Pakistan’s policies and ambitions in South Asia.

If the purpose of Pakistan’s development of nuclear weapons had been to ensure that Pakistan was not overrun by superior Indian military force – a legitimate defense goal – that objective was met by Pakistan’s nuclear tests conducted in 1998.

Pakistan’s real aspiration is to be India’s equal, albeit with one-sixth the population and a ten-fold smaller economy. If the United States were to extend civil nuclear cooperation to Pakistan, it would only enhance the belief of Pakistan’s military, which

dominates all aspects of Pakistani life, that Pakistan can get what it wants from the United States and that its goal of competing with India (as opposed to legitimate national defense) is within its grasp.

In the past, that belief has only fueled conflict in the subcontinent and encouraged Pakistan's military to continue to use Jihadi proxies in Afghanistan, Jammu and Kashmir and India in an attempt to level what they consider to be their playing field for regional influence.

Soon after reports in the U.S. media about the possibility of negotiations over civil nuclear cooperation, it became clear that objectives of the proponents of the deal were not what Pakistan had in mind. On October 19, 2015, Pakistan's Foreign Office issued a statement clarifying that "no deal" was being discussed with the U.S.

The Washington Post article and the New York Times report had emphasized the possibility of limiting Pakistan's nuclear warheads. According to the Pakistan Foreign Office spokesperson: "US has not made any demand from Pakistan. In any case, history is a testimony to the fact that Prime Minister Nawaz Sharif accepts no demand from any state."

Prior to his departure for the United States for a meeting with President Obama, Pakistan's Prime Minister Nawaz Sharif declared that Pakistan had developed its nuclear program under the country's requirement and that position "cannot be compromised." When asked whether his government would make any compromise over Pakistan's nuclear assets "under any foreign pressure," Prime Minister Sharif recalled that he was prime minister in 1998 when Pakistan carried out its nuclear tests against American wishes.

Notwithstanding attempts in the U.S. to sell the prospect of a deal as a restraint on Pakistan's nuclear capabilities, Pakistan's leaders see parity with India as the only reason they should seek a civil nuclear deal with the United States. Ever since the US-India civil nuclear deal of 2005, Pakistan's leaders have sought a similar deal to affirm that the two South Asian neighbors are equal in status and prestige.

Under its deal with the United States, India committed all its civilian nuclear facilities to IAEA safeguards but its military facilities were exempt. India also agreed to expand international safeguards, adhere to international nuclear and missile export guidelines, continue its voluntary moratorium on nuclear testing, and ensure that all civil nuclear trade would be used only for peaceful purposes. In return the US promised to help India get an exemption from the Nuclear Suppliers Group.

The US rationale for the deal with India was seen as symbolic (removing an old symbol of mistrust dating back to the 1970s), economic (helping India's economic growth and

energy security) and security (strengthening global non proliferation). None of these apply in case of Pakistan at the current stage.

Pakistan asked for a deal similar to India's as early as March 2006 but at that time President George W Bush while on a visit to Pakistan declared that "Pakistan and India are different countries with different needs and different histories." With Pakistan's then military dictator, General Pervez Musharraf, standing next to him, President Bush said "our strategy will take in effect those well-known differences" between India and Pakistan.

Pakistan's nuclear program dates back to the early 1970s, with growing fear of Indian conventional military might, especially after the break up of the country in 1971. According to Feroz Hassan Khan, former Pakistani army officer and nuclear strategist, three important strategic beliefs regarding nuclear weapons dominate Pakistani strategic thought:

"First, nuclear weapons are the only guarantee of Pakistan's national survival in the face of both an inveterately hostile India that cannot be deterred conventionally and unreliable external allies that fail to deliver in extremis. Second, Pakistan's nuclear program is unfairly singled out for international opposition because of its Muslim population. This feeling of victimization is accentuated by a belief that India consistently 'gets away with' violating global nonproliferation norms. Third is the belief that India, Israel or the United States might use military force to stop Pakistan's nuclear program. Today these three beliefs – nuclear necessity for survival, international discrimination against Pakistan and danger of disarming attacks – form the center of Pakistani strategic thinking about nuclear weapons. Collectively these convictions have served to reinforce the determination of Pakistan's military, bureaucratic, and scientific establishment to pay any political, economic or technical cost to reach their objective of a nuclear armed Pakistan."¹

By raising the issue of discussing a deal the US may only have wanted to signal America's continued interest in Pakistan. But in Pakistan it reignited the belief that Uncle Sam simply cannot manage the world without Pakistan's help.

American readiness to look the other way at Pakistan's conduct –such as support for Jihadi terrorists, including the Afghan Taliban and the discovery of Osama bin Laden in a Pakistani garrison town –as well as U.S. willingness to offer aid to Pakistan even without fulfilment of conditionality mandated by Congress has often ended up as an enabler of Pakistan's dysfunction.

Diplomacy and inducements have failed because they only reinforce the Pakistani view

¹ Feroz Hassan Khan. *Eating Grass: The Making of the Pakistani Bomb* (Stanford, Stanford University Press, 2012), p 6

that the country's geostrategic importance for the U.S. outweighs its resentment of negative Pakistani policies. Instead of encouraging change in Pakistan's policies in the nuclear realm or in other spheres, any offer of a civil nuclear deal at this stage would have the same effect.

For years Pakistan's policies have coincided with those of the U.S. only nominally. Pakistan's support for the Taliban in Afghanistan is the main reason President Obama had to reverse his decision of pulling out troops from that country. Pakistan's development of battlefield nuclear weapons also runs contrary to U.S. plans for reducing nuclear proliferation. Diplomatic statements notwithstanding, the two sides have very different priorities.

The Obama administration's consideration of a nuclear deal with Pakistan, just like its decision a few months ago to sell almost \$1 billion in U.S.-made attack helicopters, missiles and other equipment to Pakistan will fuel conflict in South Asia without fulfilling the objective of helping the country fight Islamist extremists or limit its nuclear arsenal.

Pakistan's failure to tackle its jihadist challenge is not the result of a lack of arms but reflects an absence of will. Unless Pakistan changes its worldview and its compulsive competition with its much larger neighbor even in violation of international commitments, American weapons will end up being used to fight or menace India and perceived domestic enemies instead of being deployed against jihadists.

Competition with India remains the overriding consideration in Pakistan's foreign and domestic policies. By aiding Pakistan over the years—some \$40 billion since 1950, according to the Congressional Research Service—the U.S. has fed Pakistan's delusion of being India's regional military equal. Seeking security against a much larger neighbor is a rational objective but seeking parity with it on a constant basis is not.

Instead of discussing civil nuclear deals and selling more military equipment to Pakistan, U.S. officials should convince Pakistan that its ambitions of rivaling India are akin to Belgium trying to rival France or Germany. India's population is six times as large as Pakistan's while India's economy is 10 times bigger, and India's \$2 trillion economy has managed consistent growth whereas Pakistan's \$245 billion economy has grown sporadically and is undermined by jihadist terrorism and domestic political chaos.

Pakistan also continues to depend on Islamist ideology—through its school curricula, propaganda and Islamic legislation—to maintain internal nationalist cohesion, which inevitably encourages extremism and religious intolerance.

Offering a nuclear deal or selling helicopters and missiles is easier than thinking of alternative strategies to compel an errant ally to change its behavior. This is a pattern in U.S.-Pakistan relations going back to the 1950s. Between 1950 and 1969, the U.S. gave \$4.5 billion in aid to Pakistan partly in the hope of using Pakistani troops in

anticommunist wars, according to declassified U.S. government documents. Pakistan did not contribute a single soldier for the wars in Korea or Vietnam but went to war with India over the disputed border state of Kashmir instead in 1965.

During the 1980s, Pakistan served as the staging ground for the jihad against the Soviet occupation of Afghanistan and received another \$4.5 billion in aid, as reported by the Reagan and George H.W. Bush administrations to Congress. Pakistan diverted U.S. assistance again toward its obsessive rivalry with India, and trained insurgents to fight in the Indian part of Kashmir as well as in India's Punjab state.

Pakistan also violated promises to the U.S. and its own public statements not to acquire nuclear weapons, which it first tested openly in 1998—arguing that it could not afford to remain nonnuclear while India's nuclear program surged ahead.

The US Congress had challenged the Reagan administration's Pakistan policy, expressing concerns about American aid indirectly funding Pakistan's nuclear program by freeing resources that would have gone towards purposes for which aid was being allocated. Hearings on Capitol Hill during the 1980s focused on the nuclear issue, forcing the administration to cite Pakistan's "absolute assurances" that it was neither developing nor planning to develop nuclear weapons.

In 1981, then Under Secretary of State James Buckley, who had visited Islamabad to conclude the aid agreement, told the Senate Government Affairs subcommittee: "I was assured by the ministers and by the President himself that it was not the intention of the Pakistan Government to develop nuclear weapons." He insisted on the distinction "between the nuclear option and a nuclear weapon." We all know now the consequence of that assumption.

Since the 1990s, Pakistan has supported various jihadist groups, including the Afghan Taliban. After 9/11, the country's military dictator, Gen. Pervez Musharraf, promised to end support for the Islamic radicals. Based on that promise, Pakistan received \$15.1 billion in civil and military aid from the U.S. until 2009.

Just this February, General Musharraf admitted in an interview with the U.K.'s Guardian newspaper that he continued to support the Afghan Taliban even after 9/11 because of concerns over close relations between Afghanistan and India. Thus, from 2001 to 2008, the U.S. was effectively arming a country that was, in turn, arming insurgents fighting and killing American troops in Afghanistan.

Pakistan has received \$40 billion in U.S. military and economic aid since 1950, of which \$23 billion were given after the 9/11 attacks to strengthen the country's resolve in fighting terrorism. But Pakistan's focus has always been its rivalry with India, against whom it has initiated (and lost) three wars, using U.S. equipment each time.

The recent Pakistani announcement about an 'India-centric' tactical nuclear program indicates that despite serious threats to Pakistan's security by Jihadi extremists, India — an American friend — remains the principal enemy in the eyes of Pakistan's leaders.

The Obama administration spent its first few years trying to convince Pakistan's civil and military leaders of the virtues of changing their strategic calculus. In doing so, they praised Pakistan publicly and expressed optimism every time Pakistan took a positive step, however small.

Historically, the United States (and especially the State Department) has often erred in correctly assessing the motivations and intentions of Pakistan's military leaders. Pakistan's current army Chief General Raheel Sharif was in the US last month and he was showered with praise on all fronts.

By all accounts Gen Sharif is a good man but such expectations were also voiced about his predecessor, General Kayani and his predecessor General Musharraf. Like with his predecessors the US sees General Sharif as representing a new beginning: He is non-political, opposes terrorism and is pro-Western. Ironically, all these qualities were also attributed to his predecessors.

Ideally, Pakistan and all other countries with demonstrated nuclear capability must be brought under some nuclear restraint regime. But civil nuclear deals should not be offered without understanding whether the other side wishes to be restrained or seeks just to advance its nuclear status.

Pakistan's national psyche in relation to nuclear weapons must be understood clearly before embarking on any negotiations over a civil nuclear deal. Let me offer some examples of recent Pakistani nuclear thinking.

According to the father of Pakistan's nuclear program, Dr. Abdul Qadeer Khan (who also proliferated nuclear weapons technology to North Korea, Iran and Libya in return for money) the rationale for building Pakistan's nuclear weapons was ideological. He said that he helped break the west's monopoly on uranium enrichment. "All western countries, including Israel, are not only the enemies of Pakistan but in fact of Islam," he stated, adding that Pakistan's nukes would protect the country and the Muslim world against conspiracies.

On June 11, 2015, Musharraf made the following assertions in a live interview on a Pakistani television show: "We do not want to use nuclear capability but if our existence comes under threat, what do we have these nuclear weapons for?...Do we have nukes saved to be used [as firecrackers] on Shab-e-Baraat [a Muslim festival]?... Don't attack us, don't challenge our territorial integrity because we are not a small power, we're a major and nuclear power. Don't push us..."

General Musharraf's sentiment was not very different from the one expressed in November 2008 by Majeed Nizami, the owner of the mainstream media group that runs Nawa-i-Waqt, The Nation, and Waqt TV channel. He declared, "Pakistan should not hesitate to use nuclear weapons to wrest Kashmir from India." He also said that his fondest wish was to turn himself into a nuclear bomb and get dropped on India.

In a piece in May 2014 former Pakistani Ambassador to the United Nations, Munir Akram, argued that a civil nuclear deal along the lines of India would not satisfy Pakistan. "Most Pakistanis do not believe that such 'normal' status will advance national security or address the underlying reasons for Pakistan's 'nuclear build-up,'" he wrote, adding "This would certainly be the case if India is not required to simultaneously sign the CTBT and halt fissile material production."

Further, Mr. Akram argued that instead of offering a deal "Pakistan should be admitted to the Nuclear Suppliers Group to secure its full cooperation on safety and security and non-proliferation issues." He said, "The Suppliers Group has no leverage with Pakistan to ask it to accept unequal preconditions to be treated as a 'normal' state. Pakistan already has robust civilian nuclear cooperation with China. It is not likely to obtain similar cooperation, for political and financial reasons, from others, even if it joins the Suppliers Group."

In the Pakistani view as enunciated by Mr. Akram, Pakistan wants the U.S. and the international community should "restrain India's arms build-up and stop supplying it with destabilizing weapons." In other words, the U.S. should cut India down to size and make it Pakistan's equal.

I would argue that this Pakistani tendency to recklessly brandish nuclear weapons as an instrument in an ideological conflict with India or other so-called 'enemies of Islam' needs to be curbed rather than encouraged. How can anybody be assured that in the absence of absolute, certain and verifiable guarantees the old fixation with seeking military advantage in relation to India will not persist?

It must be understood that like all nations, Pakistan has a right to defend itself and nobody denies it that right. Pakistan's concern about resolution of the dispute over Jammu and Kashmir also deserves attention albeit by peaceful means. But Pakistan's security needs should be judiciously examined.

Unlike other countries, Pakistan did not raise an army to match the threats it faces. Pakistan inherited 33 percent of British India's army, raised for the Second World War, at independence in 1947 and has sought to identify threats that match the size of that army.

Pakistan is the sixth largest nation in the world by population but only 26th by size of GDP on PPP basis and 42nd in nominal GDP. It has the world's sixth largest nuclear

arsenal and eighth largest army but performs poorly in most non-military indices. It ranks 146 out of 187 countries in the world on the Human Development Index, which measures health, standard of living, and education.

The World Economic Forum's Global Competitiveness Report ranks Pakistan's primary education at 136 out of 144 countries. The country has one of the world's lowest tax to GDP ratio, with international aid making up for low tax collection. Pakistan's literacy rate stands at 52 percent and the country has one of the highest percentage of out of school children in the world.

The military and intelligence services that dominate Pakistani national security decision-making have sacrificed their country's progress and prosperity in their relentless pursuit of military parity with India. Forcing New Delhi's hand on Kashmir has become more important than educating Pakistan's children.

Since the 1950s, US policy has ended up nurturing Pakistan's military and keeping alive its dream of parity with India. It is time, the U.S. adopted a policy towards Pakistan that supports the aspirations of its people for a better standard of living instead of allowing its military and civilian hardliners in pursuing unwinnable competition with India.

The State department and the current U.S. administration have tended to ignore or bypass the concerns of Congress in relation to Pakistan in the past. Section 203 of the Enhanced Partnership with Pakistan Act of 2009, precludes security related assistance and arms transfers until the Secretary of State certifies annually for Congress that the Pakistani government

“(1) is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;

“(2) had during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups ... including taking into account the extent to which the Government of Pakistan has made progress on matters such as

A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in

the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and

C) strengthening counterterrorism and anti-money laundering laws; and

“(3) is ensuring that its security forces are not materially and substantially subverting the political or judicial processes of Pakistan.

This law includes a provision “allowing the Secretary to waive this certification requirement if s/he finds that it is important to U.S. national security interests to do so.”

Section 7046 (c) of the Consolidated Appropriations Act, 2012 added an additional layer of conditionality requiring special certification from the Secretary of State to release assistance funds. These provisions would restrict both military and nonmilitary aid. Under this law, the Secretary was required to certify that Pakistan was

“(1) cooperating with the United States in counterterrorist efforts against Haqqani Network, the Quetta Shura Taliban, Lashkar-e-Taiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for them and preventing them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

“(2) not supporting terrorist activities against U.S. or coalition forces in Afghanistan, and Pakistan military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

“(3) dismantling improvised explosive devices (IED) networks and interdicting precursor chemicals used to manufacture IEDs;

“(4) preventing the proliferation of nuclear-related material and expertise;

“(5) issuing visas in a timely manner for U.S. visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

“(6) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.”

This law too contained “a national security waiver,” not included in the House-passed version, but inserted in the Senate.

The administration was thus required to certify to Congress that Islamabad was meeting American terms in dealing with proliferation issues, fighting terrorism and diminishing the military’s role in politics. But for several years, instead of certifying that Pakistan was

doing what it was expected, the Secretary of State has invoked the right to waive the conditions on grounds that continuing aid to Pakistan is necessary for U.S. national security.

Having laid out conditions and accepting that they are not being fulfilled by waiving them, the U.S. government has been giving the signal that Pakistan is too important for the U.S. to ignore, which reinforces all of Pakistan's wrong policies. These are policies that both the U.S. and a significant section of the Pakistani intelligentsia would like changed.

The U.S. objective should be to help Pakistan come to terms with its size and its economic and political needs. What we are seeing in Pakistan is a militarized state with geo-political objectives not commensurate with the real power potential of the country and American support plays into reinforcing these delusions rather than to bring them in check. Raising the prospect of a civil nuclear deal with Pakistan without addressing the country's dysfunction and militarism will aid neither U.S. policy objectives nor the people of Pakistan who are perhaps the biggest victims of their national elite's erroneous policies.

Mr. POE. Thank you, Mr. Ambassador.
Dr. Markey, you have 5 minutes.

**STATEMENT OF DANIEL S. MARKEY, PH.D., SENIOR RESEARCH
PROFESSOR, SCHOOL OF ADVANCED INTERNATIONAL STUD-
IES, JOHNS HOPKINS UNIVERSITY**

Mr. MARKEY. Chairman Poe, Ranking Member Keating, and members of the subcommittee, thank you for inviting me to testify about the potential ramifications of a civil nuclear agreement with Pakistan.

Obviously, this has already been submitted for the record, so I will give some brief remarks now. Let me jump right to my bottom line.

A nuclear deal of the sort that is reportedly being discussed with Pakistan is hardly the blockbuster that some commentators in the media would have us believe. It is less than meets the eye. Even so, discussions of a nuclear deal are poorly timed and, if pursued further, would be more likely to prove counterproductive to other near-term security interests than to deliver significant benefits.

Now, in the abstract, I can imagine a good nuclear deal with Pakistan. And we should expect that diligent and creative American diplomats are exploring various options for securing and limiting the expansion of Pakistan's nuclear arsenal. And if, as some analysts propose, Pakistan could be encouraged to commit to important limits on its nuclear program, then U.S. policymakers would have more and better reasons to think seriously about ways we could bring Pakistan into the world's nuclear order.

But I don't think that Washington or Islamabad is actually ready to have serious conversations along these lines. I see no indication that Pakistan's military leadership is inclined to place voluntary limits on the growth of its nuclear arsenal. That arsenal has always been justified as a deterrent against Indian aggression, and Indo-Pakistani relations are stuck in hostility.

India, as a rising power, is expanding its military. This will continue because India competes not only with Pakistan but also with China. Any Indian military sized to deal with Pakistan alone would be insufficient to defend against China, while any program sized to deal with China would pose a menacing threat to Pakistan. And because Pakistan uses its nuclear program to make up for India's superior conventional military power, the chances of Islamabad accepting nuclear caps while India's military grows are slim.

In sum, this triangular security dilemma between China, India, and Pakistan, or maybe even quadrilateral security dilemma if you include the United States, is a structural dynamic that favors persistent competition, most of all by the weakest player—that is, Pakistan.

Now, even if Pakistan were to take incremental steps to limit the future growth of its nuclear program, I suspect and I think the comments already made here today reinforce the notion that that would not be sufficient reason for the United States to champion Pakistan's mainstreaming in the global nuclear order. Placing limits on future nuclear growth would do too little to address our current concerns about Pakistan's nuclear arsenal. And that arsenal

poses significant and serious threats, including that of insider theft, onward proliferation, accident sabotage, or unauthorized use.

So, in other words, I doubt our own ability or our interests in delivering on even limited diplomatic benefits that Pakistan would expect if it committed to slowing or stopping the growth of its arsenal, which I already said is unlikely.

Now, worst of all, the nuclear discussion shifts attention away from the other issues that worry us in Pakistan. Now, at present, the U.S. State Department has trouble certifying that Pakistan's military has targeted the Haqqani network that has so viciously attacked U.S., Afghan, Indian, and coalition partners in Afghanistan. And U.S. officials do not believe that Pakistan has seriously tried to go after Lashkar-e-Taiba, the terrorist group responsible for Mumbai.

Now, several other pressing issues also deserve more attention in a U.S.-Pakistan dialogue than does a nuclear deal. To start, Washington needs Islamabad's commitment to advance any hope of a reconciliation process with the Afghan Taliban—again, an unlikely thing but something that is currently an essential pillar in the Obama administration's war-termination strategy in Afghanistan.

And relations between Pakistan and India are also troubled. U.S. officials would be smart, I think, to encourage a resumption of their formal and back-channel dialogues, if principally as a tactic to forestall a future crises. And I was happy to see the news just this past week of NSA-led-level talks in Bangkok between India and Pakistan.

And Washington also has much to discuss with Pakistan about the state of its own counterterror and counterinsurgency operations inside Pakistan, from its tribal areas to its major urban centers.

Now, if these short-term agenda items were somehow exhausted, Pakistan's current condition raises other fundamental questions about its long-term relationship with the United States. Its fragile economy, its troubled civil-military relations, its bloody sectarian cleavages, anti-U.S. prejudices all inhibit trust-based partnership.

In sum, this is a big country, an important location, with nearly insurmountable challenges at home and with its neighbors. And my concern is that, by turning senior-level attention to a nuclear deal, Washington sends a wrong and counterproductive message to Pakistan, as we have in the past. We are too likely to come across as distracted, unable to set and maintain priorities, and suffering from unfounded expectations.

Thank you.

[The prepared statement of Mr. Markey follows:]



December 8, 2015

Why a “Nuclear Deal” with Pakistan is Not Realistic, Timely, or Wise

Prepared Statement by

Daniel S. Markey

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Before the

**Terrorism, Nonproliferation, and Trade Subcommittee of the Committee
on Foreign Affairs**

*United States House of Representatives
1st Session, 114th Congress*

**Hearing on “Civil Nuclear Cooperation with Pakistan: Prospects and
Consequences”**

Chairman Poe, Ranking Member Keating, and members of the subcommittee:

Thank you for inviting me to testify about the potential ramifications of a civil nuclear agreement with Pakistan.

Let me jump right to my bottom line: a nuclear deal of the sort apparently being discussed with Pakistan is hardly the “blockbuster” that some commentators in the media would have us believe. Even so, it is still poorly timed and, if pursued further, would be more likely to prove counterproductive to other near term U.S. security interests than to deliver significant benefits.

Imagining a Good Deal

In the abstract, I can imagine a good nuclear deal with Pakistan. Pakistan's nuclear program is what vaults the troubled state into a tiny handful of nearly impossible policy challenges that keep policymakers and intelligence analysts worried even when other issues like Russia and ISIS crowd newspaper headlines.

Because nearly all U.S. analysts fear that Pakistan and India are on their way to a spiraling nuclear competition that will soon take to the seas in the form of nuclear-armed submarines, heading off a nuclear arms race in South Asia through diplomatic negotiations would be a major accomplishment. Accordingly, we should expect that diligent and creative American diplomats will explore various options for securing and limiting the expansion of Pakistan's nuclear arsenal.

I believe that a recent proposal advanced by scholars at two D.C.-based think tanks to “normalize” Pakistan captures the underlying logic of the discussions between Washington and Islamabad in recent months. Michael Krepon of the Stimson Center and Toby Dalton of the Carnegie Endowment for International Peace argue that Pakistan's leaders should—without any outside coercion or inducement—recognize that their nuclear arsenal is already big enough to deter India. They then argue that because deterrence has always been Pakistan's goal, Pakistan's nuclear managers should now voluntarily slow the costly program and join several international arms control agreements—including the Fissile Material Cutoff Treaty and the Comprehensive Test Ban Treaty.

In short, Krepon and Dalton argue that Pakistan has gotten what it needs from a nuclear program. With that success, Islamabad should pocket the benefits—financial and diplomatic—from voluntary restraint. The financial benefits are obvious. Money not spent on expanding a nuclear arsenal is money Pakistan can put to a wide range of other purposes, both military and civilian. For a state facing insurgency and massive developmental challenges, the extra cash should be very valuable.

On the diplomatic front, if Pakistan were to take steps to voluntarily limit its nuclear program, the report's authors suggest that the United States and the rest of the world would be more likely to sympathize with Pakistan's deep desire to be mainstreamed into the international nuclear order, sort of like India has been. This might eventually include Pakistan's membership in the flagship organizations of nuclear-armed states, like the Nuclear Suppliers Group (NSG).

It is important to note that such a deal would not, strictly speaking, be a tit-for-tat exchange of any sort. Krepon and Dalton recognize that there is nothing Washington can give Pakistan that would make its leaders take steps they believe are contrary to their security interests. This is a realistic recognition on their part. Yet I would go further to suggest that it is also an indication of just how unlikely Pakistan is to sign on to any deal at all.

Back to Reality

This takes us back to reality. A nuclear deal with Pakistan—even of the very limited sort I’ve just described—faces big problems.

First, even if Pakistan were to take incremental steps to limit the future growth of its nuclear program, I suspect that would be insufficient for the United States to become a champion of Pakistan’s membership in the NSG. Limiting future nuclear growth would do too little to address Washington’s most pressing concerns about Pakistan’s nuclear arsenal, which would still pose serious threats, including insider theft, onward proliferation, accident, sabotage, or unauthorized use. So, in other words, I doubt our own ability or interest in delivering even the limited diplomatic benefits promised by this sort of deal.

Second, and more important, I see no indication that Pakistan’s military leadership is inclined to place voluntary limits on the growth of its nuclear arsenal. That arsenal has always been justified as a deterrent against Indian aggression. And Indo-Pakistani relations are stuck in hostility.

Moreover, India, a rising power, is expanding its military. This will continue because New Delhi competes not only with Islamabad, but also with Beijing. Any Indian military sized to deal with Pakistan alone would be insufficient to defend against China, while any program sized to deal with China would pose a menacing threat to Pakistan. Because Pakistan uses its nuclear program to make up for India’s superior conventional military power, the chances of Islamabad accepting nuclear caps while India’s military grows are slim.

In sum, the triangular security dilemma between China, India, and Pakistan (or quadrilateral, if you include the United States) is a structural dynamic that favors persistent competition, most of all by the weakest player.

A Poorly Timed, Unwise Distraction

Worst of all, the nuclear discussion shifts attention away from the underlying causes of American anxiety with Pakistan and the greatest stumbling blocks to effective partnership between Washington and Islamabad.

A comparison with the U.S.-Iran nuclear deal is instructive. Critics of that deal correctly pointed out that it does nothing to address Tehran’s other bad behavior, from imprisoning journalists to sponsoring terrorists. But the pressing need to keep Iran out of the nuclear weapons club—and the hope that a negotiated settlement would accomplish that purpose better than other options—at least offered a plausible, if still debatable, rationale for inking the deal.

The same cannot be said of a nuclear deal with Pakistan. Pakistan is already a nuclear weapons state. A successful deal would ultimately ratify that condition, not roll it back. Addressing Pakistan's activities on other, non-nuclear fronts is the more pressing U.S. requirement.

To be sure, Pakistan is hardly a declared American enemy like Iran. But the U.S. State Department has had trouble certifying that Pakistan's military has targeted the Haqqani Network of militants that has so viciously attacked U.S., Afghan, Indian, and coalition partners in Afghanistan. Nor do senior U.S. officials believe that Pakistan has seriously tried to go after Lashkar-e-Taiba, the terrorist group best known for its November 2008 commando raid on Mumbai, India that killed 166 innocents.

Several other pressing issues also deserve more attention in U.S.-Pakistan dialogues than does a nuclear deal. To start, Washington needs Islamabad's commitment to advance any "reconciliation" process with the Afghan Taliban, currently an essential pillar in the Obama administration's war termination strategy. Relations between Pakistan and India are also troubled; U.S. officials would be smart to encourage a resumption of their formal and back-channel dialogues, if principally as a tactic to forestall future crises. And Washington still has much to discuss with Pakistan about the state of counter-terror and counter-insurgency operations inside Pakistan, from its tribal areas to its major urban centers. With ISIS making a small but troubling show of force in neighboring Afghanistan, there are reasons for concern that Pakistan will be next.

Whenever these short-term agenda items are exhausted—an unlikely prospect anytime soon—Pakistan's current condition raises other fundamental questions about its long-term relationship with the United States. Pakistan's fragile economy remains dependent on outside support, underperforms relative to the needs of a fast growing population of nearly 200 million, and has pinned its future on a massive bailout from Beijing. Pakistan's political leadership is a civilian democracy in appearance but dominated by the military in all matters of substance. Pakistan's society is increasingly rent by violent sectarian cleavages and so deeply infected by anti-U.S. prejudices that it is hard to imagine the emergence of a trust-based partnership. In sum, Pakistan is a big country in an important location facing nearly insurmountable challenges at home and with its neighbors. The United States cannot begin to solve Pakistan's problems for it, but U.S. policymakers must be sensitive to their potential consequences for our own national interests.

My concern is that by turning senior-level attention to a nuclear deal, Washington sends a wrong and counterproductive message to Pakistan, as we have many times in the past. We are too likely to come across as distracted, unable to set and maintain priorities, and suffering from unfounded expectations.

This leads to my conclusion that pursuing a nuclear deal with Pakistan now is unrealistic, poorly timed, and unwise.

Thank you. I would be happy to answer any questions you might have.

Mr. POE. Thank you, Dr. Markey.
Mr. Sokolski, 5 minutes.

**STATEMENT OF MR. HENRY D. SOKOLSKI, EXECUTIVE
DIRECTOR, NONPROLIFERATION POLICY EDUCATION CENTER**

Mr. SOKOLSKI. Mr. Chairman, Ranking Member Keating, thank you for inviting me to testify today.

I ask that, in addition to my testimony, one two-page addition be entered into the record, if that is okay.

Mr. POE. Without objection.

Mr. SOKOLSKI. Thank you.

I would like to focus on two points: First, why offering Pakistan civilian nuclear incentives is self-defeating; second, why implementing title 5 of the Nuclear Nonproliferation Act of 1978, which calls for nonnuclear cooperation and energy assessments for developing states, would make more sense.

Several U.S. analysts recently championed offering Pakistan civilian nuclear incentives like those we have extended to India. They argue the U.S. could offer Pakistan a 123 agreement as it did for India or sponsor Pakistan's entry into the Nuclear Suppliers Group, as it is now trying to do with India. This would enable Islamabad to acquire Nuclear Supplier Group-controlled nuclear goods and a portion of the equal treatment that it seeks.

Short of NSG membership, they argue, the U.S. might push the NSG to waive restrictions on NSG-controlled exports to Pakistan, something the NSG has already done at Washington's urging for India. This line of thinking appears to have been behind the administration's recent talks with Pakistani officials.

In the end, however, no deal was cut. This should not be surprising. First, offering civilian nuclear incentives to moderate Pakistan's nuclear posture is diplomatically risky. Pakistan and China may object to the U.S. pushing for India's membership in the NSG, but trying to address their concerns by offering Pakistan NSG membership or an NSG waiver is not only certain to upset India but Pakistan, which demands being treated in an identical fashion with India.

This, though, would require sealing a formal nuclear cooperative agreement that would upset India even more and cause a possible backlash here on the Hill. It would also likely prompt Israel to ask for similar treatment, which, in turn, would complicate nuclear restraint efforts in the Middle East.

Second, it undermines nuclear restraint. The U.S. tried trading civilian nuclear incentives with India in 2008. Washington persuaded the NSG to allow India to import uranium for its civilian nuclear program. Yet this has only allowed India to dedicate more of its meager domestic uranium production to military purposes. Bizarrely, then, our peaceful nuclear initiative with India now is enabling India to make more bombs. Thus, Chairman Corker of the Senate Foreign Relations Committee recently noted that his vote in favor of the deal back in 2008 was a mistake, that it has only undermined international nuclear restraint. Certainly, Pakistan's military would benefit no less from access to internationally available advanced nuclear technology and goods.

Finally, nuclear power is a poor form of energy assistance. The USAID, the World Bank, and the Asian Development Bank, institutions dedicated to upgrading Pakistan's energy system, have all focused on nonnuclear projects. These include Pakistan's electrical distribution system—only roughly half of Pakistanis are able to connect to the central grid; reforming the financial management of its utilities, which continually fail to collect payment for electricity supplied; increasing energy efficiency—Pakistan's rating is among the world's worst; and preventing electrical theft, which accounts for a disturbing percentage of the electricity consumed; increasing utilization of natural gas, hydropower, solar, and wind resources, of which Pakistan has a considerable amount; and development of gas and oil pipelines.

These outfits understand what several detailed energy assessments have determined: Nuclear power can only supply a small fraction of Pakistan's electrical needs and is extremely expensive. By now, we should all know this.

Much of New Delhi's nuclear weapons program was a direct result of Eisenhower's Atoms for Peace Program. I note this is the 62nd anniversary today of that program. India's first bomb came from plutonium produced in a Canadian reactor, moderated with U.S.-supplied heavy water, reprocessed in a U.S.-designed plant. India promised material to be strictly used for peaceful purposes. The rest is history.

Recently, though, we compounded matters with the 2008 India nuclear deal. We need to stop pushing such deals. At a minimum, Congress should demand that the Executive implement title 5 of the Nuclear Nonproliferation Act, which calls for nonnuclear cooperation and energy assessments with developing states.

Much of this work is currently done by AID but not under the act. The act calls for country-specific assessments, annual reports, and the creation of a nonnuclear energy peace corps. Unfortunately, it has never been implemented. After 37 years and the recent events regarding Pakistan, Congress should hold a hearing and find out why.

Thank you.

[The prepared statement of Mr. Sokolski follows:]

Moderating Pakistan's Nuclear Posture

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Testimony Presented before
The House Foreign Affairs Committee
Subcommittee on Terrorism, Nonproliferation, and Trade
December 8, 2015

Mr. Chairman, members of the committee, I want to thank you for inviting me to testify today. You have asked me to address several questions that have arisen since *The Washington Post*¹ revealed early in October that the White House was considering offering Pakistan civilian nuclear assistance in exchange for Pakistan limiting its long-range nuclear-capable rockets, its short-range tactical nuclear weapons systems, and its nuclear weapons efforts more generally.

Today I want to emphasize three points:

First, while it is in America's interest to encourage Pakistani nuclear restraint, offering civilian nuclear incentives -- whether it be a formal US nuclear 123 cooperative agreement, Nuclear Supplier Group (NSG) membership, or waivers on NSG-controlled nuclear goods -- is self-defeating. Incentives, if any, should be non-nuclear. Here, demanding that the Executive finally implement Title V of the Nuclear Nonproliferation Act of 1978, which calls for non-nuclear cooperation and energy assessments of developing states, would make more sense.

Second, while getting Pakistan to limit its development and deployment of short-range nuclear weapons is important, achieving such restraint will only be possible by engaging India, as well.

Third, no effort to moderate Pakistan's nuclear posture or the threat of an Indo-Pakistani nuclear war is likely to succeed unless U.S. officials

- a. get Pakistan and Indian officials to negotiate limits that are binding on both their countries;
- b. consider what, if anything, our government might limit with Pakistan or India regarding nuclear weapons. In this regard, getting Pakistan to forswear the stationing of nuclear weapons on any additional countries' soil in peace time is one idea worth pursuing and one our own government should consider joining in.

Pakistan Nuclear Rivalry with India: Why We Should Care

Given growing security challenges in the Middle East, Eastern Europe, and East Asia that directly threaten our closest security allies, it is not immediately clear why Washington should concern itself with the nuclear competition between India and Pakistan. It has been in play for nearly two decades; why worry now? The short answer is that this rivalry has recently escalated

1. See David Ignatius, "The U.S. Cannot Afford to Forget Afghanistan and Pakistan," *The Washington Post*, October 6, 2015, available at https://www.washingtonpost.com/opinions/the-dangers-that-still-lurk-in-south-asia/2015/10/06/e3adf016-6c73-11e5-b31c-d80d62b53e28_story.html. Also see David E. Sanger, "U.S. Exploring Deal to Limit Pakistan's Nuclear Arsenal," *The New York Times*, October 15, 2015, available at http://mobile.nytimes.com/2015/10/16/world/asia/us-exploring-deal-to-limit-pakistans-nuclear-arsenal.html?_r=1&referrer=.

and reduced the margin of safety. Pakistan is now threatening to use tactical nuclear weapons against Indian conventional forces. India has threatened to strike Pakistan if Islamabad uses terrorist proxies against India. India, meanwhile, has threatened to retaliate massively against any Pakistani use of nuclear weapons even if those weapons are used against Indian forces on Pakistan territory. Yet, Pakistani officials doubt India would ever do this.

This imbalanced nuclear set of threats is all too likely to prompt the use of nuclear weapons, which could

- a. jeopardize American military operations in Afghanistan and the Gulf;
- b. further catalyze Chinese and Russian nuclear build ups to the detriment of US and allied security;
- c. accelerate harmful nuclear weapons proliferation near our key allies; and
- d. make nuclear use more likely internationally.

Andrew Marshall, the former director of the Pentagon's Office of Net Assessment and my former boss, has clear views on this last point. If any nuclear armed state were to use nuclear weapons in anger and profit militarily, he noted, a rapid proliferation of nuclear weapons and increased willingness to use them would be all but certain. With this would come the likely collapse of US and international security arrangements more generally.²

Where Pakistan and India Are Headed

What is it specifically about the nuclear competition between Pakistan and India that might prompt such events? Three things:

1. **An ever escalating set of nuclear war plans.** After the terrorist attacks against the Indian parliament in 2001, Pakistan announced its intention to use nuclear weapons early against India's superior conventional forces if India used these forces against Pakistan. Pakistan also announced it would use its nuclear weapons first against India if New Delhi tried to "strangle" Pakistan economically or otherwise "destabilized" Pakistan domestically.³ New Delhi followed by announcing its intent in 2004 to mobilize and deploy its conventional forces quickly from a "Cold Start" to seize Pakistani territory if Pakistan ever again used terrorist proxies against India. India has been perfecting this

2. See Andrew W. Marshall, Foreword, in Henry D. Sokolski, *Underestimated: Our Not So Peaceful Nuclear Future* (Arlington, VA: The Nonproliferation Policy Education Center, 2015), pp. xi-xii, available at http://www.npolicy.org/books/Underestimated/Full_Book.pdf.

3. See Peter Lavoy, "Islamabad's Nuclear Posture: It's Premises and Implementation," in Henry Sokolski, editor, *Pakistan's Nuclear Future: Worries Beyond War* (Carlisle, PA: Strategic Studies Institute, June 2008), p. 136, available at http://www.npolicy.org/books/Pakistans_Nuclear_Worries/Ch5_Lavoy.pdf.

plan ever since with the procurement of advanced conventional weaponry assuming it could execute this plan without provoking Pakistan to use its nuclear weapons. This assumption, however, is unsound. Pakistan most recently has been deploying and threatening to use short-range nuclear-armed missiles and has redoubled its weapons plutonium and uranium production. It now is poised to have the world's third largest nuclear arsenal within a decade. This has prompted India to augment its weapons fissile production capacity and to threaten Pakistan that if it uses any nuclear weapons against Indian forces (even if these forces are on Pakistani territory), India will respond with a massive nuclear attack against all of Pakistan. Most Pakistani officials doubt India will ever do this and so are not deterred.

2. **More and more hair-triggered nuclear-capable missiles.** Coincidental with this escalating set of war plans, both Pakistan and India have developed an array of road-mobile, solid-fueled, nuclear-capable missiles that can be launched on short notice. Since 2011, these have included short-range tactical missiles that can carry either conventional high explosives or nuclear warheads -- the Nasr (60 kilometers) for Pakistan and the Pragati (60-170 kilometers), Prahar (150-250 kilometers), and BrahMos-II (300 kilometers) for India. These systems can be launched in minutes and reach their intended targets in scant scores of seconds. Like the other tactical missile systems Pakistan and India have deployed -- including Pakistan's Hatf 1 (100 kilometers), Abdali-1 (150-180 kilometers), Ghaznavi (290 kilometers), and India's Shaurya (700 kilometers) -- these systems all are road mobile. Whether effective command and control can be maintained over these quick-fire, mobile systems during a crisis is unclear. Also, because they are dual-capable, there is no way to know if they are armed with nuclear warheads until they strike their targets. Finally, in addition to these short-range systems, both countries are developing and deploying a growing array of medium and intercontinental-range ballistic sea and land-based missiles as well as long-range cruise missiles,⁴ producing enormous, new, nuclear uncertainties on the Subcontinent.
3. **India poised to modify its nuclear policies to match Pakistan's.** In response to Pakistan's recent announced willingness to use its tactical nuclear weapons against an Indian conventional incursion, several leading Indian military strategic experts, including India's former head Strategic Forces Command and India's former external affairs, defense and finance minister have recently called on India to drop its no first-use policy. These appeals coincided with Prime Minister Narendra Modi's Bharatiya Janata Party's (BJP's) 2014 promise to "revise and update" India's nuclear use doctrines. Modi almost immediately denied that any such review would be attempted. Yet, it is difficult to believe that India can credibly continue to threaten "massive retaliation" against Pakistan or entirely preclude the first use of its nuclear weapons under any and all

4. See Feroz Hassan Khan, "Going Tactical: Pakistan's Nuclear Posture and Implications for Stability," *Proliferation Papers* (Paris, France: Institut Francais des Relations Internationales, September 2015), available at <https://www.ifri.org/sites/default/files/atoms/files/pp53khan.pdf>

circumstances.⁵ Its recent acquisition of several short-range nuclear-capable tactical missile systems suggests that India is preserving its options to change its doctrine. It also is worrisome that Russia, one of India's main military suppliers and advisors, employs the world's most aggressive nuclear weapons first-use policies. In short, India's development of more offensive nuclear policies now seem more, not less likely. If India were to change its policy, it could impact Chinese thinking as well.

Civilian Nuclear Inducements: What Not to Offer

Washington has to try to moderate this rivalry. One idea several U.S. analysts have championed is to offer Pakistan civilian nuclear inducements similar to those it extended to India.⁶ The logic behind such bargaining is simple. Pakistan refuses to agree to limit its production of nuclear explosive materials, is fielding both long and short-range nuclear missiles, continues to present nuclear security issues, and is threatening nuclear first-use against India. Yet, Islamabad is eager to be recognized by the US and others as a normal nuclear weapons state like India, which also is not a member of the Nuclear Nonproliferation Treaty (NPT).

The U.S. could offer Pakistan a formal U.S. 123 nuclear cooperative agreement as it did for India in 2008. Alternatively, Washington might sponsor Pakistan's entry into the Nuclear Suppliers Group (NSG) as it now is trying to do with India. This would enable Islamabad to acquire NSG-controlled nuclear goods and secure it a portion of the "equal treatment" with India it seeks. Short of NSG membership, the US might push the NSG to waive restrictions on NSG-controlled exports to Pakistan, something the NSG has already done at Washington's urging for India. In exchange for any of these civilian nuclear inducements American experts believe Pakistan should be willing to moderate its nuclear weapons behavior.

This line of thinking, or something like it, appears to have been behind the Obama Administration's recent talks this fall with Pakistani officials. I understand that Administration officials briefed Congressional staff on these talks but that the staff could not get precise answers on what the U.S. might be offering in the way of civilian nuclear inducements. After press reports were published, however, administration officials made it clear that neither a formal US 123 nuclear cooperative agreement nor NSG membership were in the offing, leaving open the question of whether or not they may have offered Pakistani officials a waiver on NSG-controlled nuclear exports. In the end, no deal was cut.

5. See Shashank Joshi, "India's Nuclear Anxieties: The Debate Over Doctrine," *Arms Control Today*, May 2015, available at https://www.armscontrol.org/ACT/2015_05/Features/India-Nuclear-Anxieties-The-Debate-Over-Doctrine.

6. See, e.g., Stephen P. Cohen, *Shooting for a Century: The India-Pakistan Conundrum* (Washington, DC: Brookings Institution Press, 2013); Mark Fitzpatrick, *Overcoming Pakistani Nuclear Dangers* (London, UK: Adelphi Book 443, Routledge, 2014); and Toby Dalton and Michael Krepon, *A Normal Nuclear Pakistan* (Washington, DC: The Stimson Center and The Carnegie Endowment, August 2015), available at <http://carnegieendowment.org/2015/08/27/normal-nuclear-pakistan/iev0>.

This should not be surprising. Indeed, it ought to come as a relief for three reasons:

First, offering civilian nuclear incentives to moderate Pakistan's nuclear posture was guaranteed to produce more diplomatic harm than good. Offering these incentive riled India, and upset China and Pakistan as well. To be sure, Pakistan and China have long been unhappy about the U.S. pushing for India's membership in the NSG. But trying to address their concerns by offering Pakistan NSG membership or an NSG waiver still irritated Pakistan, which has always demanded that it be treated in an identical fashion as India. Meeting that demand, though, would require sealing a U.S. 123 nuclear cooperative agreement with Islamabad. This would upset India even more and would risk a backlash on the Hill. It also would set yet another precedent, one that likely to prompt Israel to ask for similar treatment, which, in turn, would complicate nuclear restraint efforts in the Middle East.

Second, it defeats the purpose of nuclear limits. The U.S. tried trading civilian nuclear incentives to secure nuclear restraints with a non-NPT state before, with India in 2008. So far, it has not gone well. The U.S. persuaded the NSG to allow India to import uranium for its civilian nuclear program but, as predicted, this has only allowed India to dedicate more of its meager domestic uranium production (which previously was tapped to fuel both military and civilian projects), to military purposes. India, in short, with the deal now can make more bombs. Even key officials who once supported the deal do no longer. Thus, Chairman Corker of the Senate Foreign Relations Committee recently noted that his vote in favor of the deal was a "mistake;" that although the deal was driven by commercial considerations, it had produced little for the US and has only served to undermine international nuclear restraint.⁷ If this true of the Indian deal, though, why would it not also be true of civilian nuclear incentives that might be offered to Pakistan, a nuclear arming state whose military nuclear efforts, like India's, could well benefit from securing free access internationally to advanced nuclear technology and goods? The answer is clear.

Third, it's poor form of energy assistance. It is a mistake to presume that more nuclear power is a cost effective way to provide Pakistan with clean electricity. In fact, U.S. AID, The World Bank, and The Asian Development Bank — institutions playing a significant role in upgrading Pakistan's energy system — all have focused on nonnuclear projects. These include upgrading Pakistan's electrical grid and off grid distribution systems (only roughly half of Pakistanis are able to connect to the central grid); reforming the financial management of Pakistan's utilities (which continually fail to collect payment for electricity supplied); increasing energy efficiency (Pakistan's rating is among the world's worst); preventing electrical theft (which accounts for a disturbing percentage of the electricity consumed); increased utilization of natural gas, hydropower, solar and wind resources (of which Pakistan has considerable reserves); and

7. See Hearing of the Senate Foreign Relations Committee, "Reviewing the Civil Nuclear Agreement with South Korea," October 1, 2015, available at <http://www.foreign.senate.gov/hearings/reviewing-the-civil-nuclear-agreement-with-the-republic-of-korea-09302015>.

development of gas and oil pipelines.⁸ The reason why is simple: As several energy assessments of Pakistan's electricity requirements have made clear, nuclear power will only be able to supply a small fraction of Pakistan's electrical needs. Instead, natural gas and hydro will continue to be key and this portfolio, combined with renewables and other regulatory, grid, efficiency, and management reforms, are more cost effective investments to meet Pakistan's electricity needs.⁹

What Might Help

It took Pakistan and India roughly two decades to create the nuclear weapons mess they both now face. A problem this long in the making won't be quick to fix. That said, there are three things that could help.

First, stop offering nuclear carrots. Much of India's nuclear weapons program was a direct result of American nuclear largess under Eisenhower's Atoms for Peace Program. New Delhi's first bomb was made with plutonium that came from a Canadian reactor moderated with US-supplied heavy water and was reprocessed in a U.S.-designed plant. India promised to use the material strictly for "peaceful" uses. The rest is history. That was bad enough. In 2008, though, we compounded our original errors with the 2008 India nuclear deal. We need to stop pushing such nuclear deals. At a minimum, Congress should demand that the Executive finally implement Title V of the Nuclear Nonproliferation Act of 1978, which calls for non-nuclear cooperation and energy assessments with developing states. Much of this work is currently being done by the US AID but not under the Act. It calls for country-specific

8. See, e.g., The World Bank, Listing of electricity-related analyses for Pakistan, available at http://www.worldbank.org/en/country/pakistan/research/all?qterm=Energy+assessment+Pakistan+&x=23&y=29&lang_exact=English; USAID, "Energy Sector Fact Sheet (Pakistan), November 24, 2015, available at <https://www.usaid.gov/news-information/fact-sheets/pakistan-energy-sector-fact-sheet> and USAID, U.S. Assistance to Pakistan (Energy), available at <https://www.usaid.gov/sites/default/files/documents/1871/Engery.pdf>; and Asian Development Bank, "ADB \$800 Million to Help Pakistan Boost Power Supply and Reforms," November 26, 2015, available at <http://www.adb.org/news/adb-800-million-help-pakistan-boost-power-supply-and-reforms>; and Asian Development Bank, "ABD \$1.4 Billion Financing to Help Pakistan Resolve Power Crisis," November 20, 2015, available at <http://www.adb.org/news/adb-14-billion-financing-help-pakistan-resolve-power-crisis>.

9. See e.g., Zia Mian and Abdul H. Nayyar, (Princeton, NJ, Princeton University Press, 2009), available at <http://www.princeton.edu/ses/faculty-staff/zia-mian/Pakistan-Energy-Challenge.pdf>; John Stephenson and Peter Tynan, *Is Nuclear Power Pakistan's Best Energy Investment?* (Washington, DC: Dalberg Global Development Advisors, 2009), available at http://www.npolicy.org/books/Pakistan_Nuclear_Future/Ch3_Stephenson-Tynan.pdf; and Ravi Patel and Nelson Zhao, *Keeping the Lights on: Fixing Pakistan's Energy Crisis*, (Washington, DC: Federation of American Scientists, June 5, 2014) available at <http://fas.org/pir-pubs/keeping-lights-fixing-pakistans-energy-crisis/>

assessments, annual reports, and the creation of a nonnuclear energy Peace Corps, but has never been implemented. After 37 years and the recent events regarding Pakistan, Congress should hold a hearing to find out why.¹⁰

Second, the United States should focus on getting Pakistan and India to negotiate rather than cutting deals with one or the other. This is not easy but no real progress on nuclear weapons restraints in the Subcontinent will be possible without such talks. Towards this end, Washington should encourage negotiations between the two states on almost any topic, economic, political, or cultural. The most recent announcement that India and Pakistan will hold private talks about a variety of issues, including the status of Kashmir, is encouraging.¹¹

Third, consider nuclear weapons limits that might apply not just to Pakistan and India, but the U.S. Ultimately, the U.S. will have difficulty persuading either Pakistan or India to restrict their nuclear arms unless we are willing to join with both nations in agreeing to some nuclear weapons limits as well. One such idea would be an agreement not to deploy nuclear weapons on the soil of any additional states in peacetime. This could help address concerns that Pakistan might yet redeploy some of its nuclear arms on Saudi soil.¹² At one time, Pakistani officials here in Washington indicated that they would welcome such a proposal. Given what is at stake today, it would make sense to take them up on it.

10. See The Nuclear Nonproliferation Act of 1978, Public Law 95-242, 92 Stat. 120, March 10, 1978, Title V, Sections 501-503, available at <http://www.nrc.gov/about-nrc/governing-laws.html>.

11. See Praveen Swami, Sheela Bhatt, Shubhajit Roy, "India, Pakistan break the ice off camera in Bangkok," *The Indian Express*, December 7, 2015, available at <http://indianexpress.com/article/india/india-news-india/indo-pak-nas-meet-in-bangkok-discuss-terrorism-jk/>.

12. See, e.g., Con Coughlin, "The Saudis are ready to go nuclear," *The Telegraph*, June 8 2015, available at <http://www.telegraph.co.uk/news/worldnews/middleeast/saudi-arabia/11658338/The-Saudis-are-ready-to-go-nuclear.html> and Judah Ari Groos, "Report: Saudis May Purchase Pakistani Bomb," *The Times of Israel*, May 17, 2015, available at <http://www.timesofisrael.com/report-saudis-may-purchase-pakistani-atomic-bomb/>.

Mr. POE. And Dr. Perkovich.

**STATEMENT OF GEORGE PERKOVICH, PH.D., VICE PRESIDENT
FOR STUDIES, CARNEGIE ENDOWMENT FOR INTER-
NATIONAL PEACE**

Mr. PERKOVICH. Thank you, Chairman Poe and Ranking Member Keating.

I won't repeat what my colleagues have said, and I agree with much of it. Fundamentally, there is not going to be a nuclear deal like was reported in the press for reasons that my colleagues have mentioned. But I think that the very idea and the discussion that we are having is useful because it allows us and you to elucidate and think through some of the issues that are involved.

I would begin by saying that the proliferation damage done by the Khan network is an enormous fact. It is an enormously important fact. But, at some point, the question then arises whether and when to learn from this fact and try to create new facts that are more propitious. Because if we have the status quo that happened in the past and that becomes the future, it is not anything that any of us would welcome.

Now, one way to deal with it is to propose new punishments to try to change Pakistan's behavior. But I am not aware of anybody who suggests doing that over nuclear policy in Pakistan today, in part because Pakistan's actions to secure its nuclear arsenals and cooperate with the U.S. and the Department of Energy in that domain, which is very important for counterterrorism, has largely been positive. So what we are most worried about now is actually the expansion and future growth of the Pakistani nuclear arsenal and the implications of that for stability.

So the question, then, is, you know, what can and should be done to motivate Pakistan to continue to improve its controls over nuclear materials and facilities and also to limit the growth of its nuclear arsenal?

One answer is to just continue to isolate Pakistan and not deal with them. And that could go on forever as a policy. Indeed, that is the implication of a number of policies that we are practicing. The problem with that is obvious, which is, if Pakistan is facing that forever, what incentives do they have to change the course they are on?

So another answer is to try to offer Pakistan ways to end its isolation by building international confidence that it is managing its nuclear program to standards comparable to those of other nuclear-armed states and that it is going to limit its nuclear forces. And I think that is the objective that the Obama administration reportedly pursued. And for reasons that we have talked about, Pakistan is not going to agree to that.

Now, there is another way that you could begin to pursue these objectives, and that would be to convey that no states that possess nuclear weapons outside of the Non-Proliferation Treaty—so that means Israel, India, and Pakistan—none of those states would be offered membership in the Nuclear Suppliers Group without having met criteria that the NSG would have established. And those criteria, at a minimum, would deal with the security of nuclear facili-

ties and materials but also could cover the nonexpansion of the nuclear arsenal.

These NSG criteria would be established, and so only states that met those criteria could be admitted. But it also would mean that any state that did get admitted, such as India, wouldn't be able to then block any other state forever from joining. Because the Nuclear Suppliers Group operates by consensus. Once India is in, as Obama is proposing, they can block Pakistan forever. And that is, in a sense, an incentive for unwelcome behavior in Pakistan.

Now, my colleagues have talked about some of the reasons that Pakistan won't agree, actually, to any of the things that could plausibly be proposed. I agree with all that. The fundamental issue is that Pakistan insists upon having what India has. And Ambassador Haqqani has written books on this; his testimony is elucidating on this.

And the problem here is that the nuclear deal that we made with India puts no limits on India's strategic nuclear capabilities. There are no limits on its fissile material production for weapons. There are no limits on the growth of its nuclear arsenal. There are no limits on its missile program and trajectory. And because of those reasons, the Pakistanis say, well, we want that, but the United States is never going to agree to no limitations in such an arrangement, and never the twain shall meet.

So the only way to get at this problem is what Dan alluded to, is you would need a process with China, with India, with Pakistan and the U.S., all of us dealing with not only our nuclear and missile programs but new programs like conventional prompt global strike—the whole array of conventional and nuclear weapons that drive all of these players in this multifaceted competition. Anything less than that is not going to actually get the kind of limitations the administration is seeking.

Thank you.

[The prepared statement of Mr. Perkovich follows:]

George Perkovich
Vice President for Studies at the Carnegie Endowment for International Peace
House Committee on Foreign Affairs
“Civil Nuclear Cooperation with Pakistan: Prospects and Consequences”
December 8, 2015

It is an honor to appear before the subcommittee today to address the interesting and important issues surrounding potential nuclear cooperation with Pakistan. Having worked on nuclear challenges in South Asia since 1992, I am keenly aware of the complexities of any U.S. policy in this domain. The subcommittee should be applauded for its determination to explore these issues.

At the outset I should say that I think it highly unlikely that the governments of the United States and Pakistan would be able to agree on conditions that would motivate both states to complete a nuclear cooperation agreement. Thus, this discussion is largely hypothetical in my view. Nonetheless, the national, regional and global interests that would be involved in pursuing such a deal are important enough to make even a hypothetical discussion worthwhile.

Any consideration of nuclear cooperation with Pakistan must begin by acknowledging that the network led by the former head of the Khan Research Laboratories, A.Q. Khan, proliferated nuclear weapon-related equipment and know-how to at least North Korea, Iran, and Libya. This is why Pakistan was dubbed the “nuclear Wal-Mart” by a former director general of the International Atomic Energy Agency, who did not mean the remark kindly. While key suppliers in this proliferation network operated in several European, Middle Eastern, and Southeast Asian countries, the motive force was a central figure in the Pakistani nuclear establishment.

The proliferation damage done by the Khan network is an enormous fact. At some point, the question arises whether and when to learn from this fact and try to create new facts that are more propitious. Pakistan has been punished in some ways, including intense international opprobrium and sanction. I do not know of proposals to add new punishments at this time, more than a decade since the network was rolled up. The U.S. did impose significant sanctions on Pakistan for its nuclear weapons program from 1990 onward with no apparent good result. Indeed, the Khan network operated throughout this time of severe sanctions. Now, the more pertinent questions concern what can and should be done to motivate Pakistan to continue to improve its controls over nuclear materials, equipment and know-how so as to build international confidence that proliferation will not occur again, either to states or to terrorists. One answer is to continue to isolate and thereby to some extent punish the country forever. Another answer is to offer Pakistan ways to end its isolation by building international confidence that it is managing its nuclear program to standards at least as sound as those of other nuclear-armed states.

This sort of quandary is not new or unique. The U.S. and the international community confronted similar questions in negotiating Libya’s surrender of its illicit nuclear and chemical weapons capabilities in 2003, in return for which sanctions were lifted on the country.

Beginning in 2005, the U.S. led an international effort to normalize nuclear relations with India and end sanctions on nuclear cooperation with it through agreement in 2008 with the Nuclear Suppliers Group. In July of this year, the U.S. and its five negotiating partners reached a Joint Comprehensive Plan of Action with Iran, through which Iran agreed to a host of measures to verifiably limit its nuclear activities in return for sanctions relief. In each case, nuclear deals were made without linkage to other issues. The point is, there are precedents of Republican and Democratic administrations normalizing relations with states whose nuclear activities had long been highly problematic.

In the case of Pakistan, I would argue that the following issues should be analyzed and resolved, first within the U.S. government, and then, perhaps, with Pakistan.

If criteria could be agreed upon by which Pakistan would become eligible for nuclear cooperation and/or membership in the Nuclear Suppliers Group, are there public goods – in terms of nonproliferation, prevention of nuclear terrorism, and stability in South Asia – that would be gained? One way to explore answering this question is to ask in parallel, what might be the consequences of conveying to Pakistan that it *never* could make itself eligible for such cooperation (short of eliminating its stockpile of nuclear weapons and fissile materials, which no one believes is feasible)?

I submit that the answer to the second question is highly problematic from the standpoint of U.S. and international interests. To say in effect that Pakistan will remain isolated from the nuclear mainstream forever is to remove incentives that it might otherwise have to take additional measures to control and secure its nuclear arsenal – measures that would enhance regional and international security. The perverse consequences of eternal nuclear isolation are magnified by the fact that the U.S. already led an international effort to exempt India from restrictions on nuclear cooperation with no commitments from India to restrict the growth and qualitative enhancement of its nuclear arsenal. The rivalry between Pakistan and India is driven by historical, political, religious, psychological, and security factors. On balance, it is arguably fair to say that the Pakistani security establishment bears a disproportionate share of responsibility for the conflicts and crises of the Indo-Pak relationship and the inability of diplomacy to normalize it. But this is not the whole story, and, in any case, the fact of the rivalry means that if Pakistan is destined to be forever isolated while India is embraced, Pakistan will be less inclined to take steps that would be in India's and the rest of the world's security interest.

If there are security interests to be gained by offering the feasible possibility of ending Pakistan's nuclear isolation – compared with maintaining it forever – then a few alternative ways forward are suggested.

The simplest, least ambitious step for the U.S. would be to convey that no states that possess nuclear weapons outside of the Nuclear Nonproliferation Treaty (i.e., India, Pakistan, Israel, and the DPRK) would be offered membership in the Nuclear Suppliers Group without having met criteria that the NSG would establish. Such criteria would encompass – at minimum – security of nuclear materials, export controls, and constraints on the expansion and characteristics of their nuclear arsenals. If and when the states in question met such criteria, they would be eligible for membership in the NSG (and presumably nuclear cooperation). This

approach also would preclude any one of these states from entering the NSG and using that body's consensus decision-making rule to thereafter block the others from joining once they met the established criteria. For example, India could not enter the NSG and then forever block Pakistan from doing so. It is precisely this concern that alarms Pakistanis today. President Obama has pledged to seek India's membership in the NSG as soon as possible, without such criteria or any limitations on India's nuclear weapons program. Adopting a criteria-based approach to NSG eligibility would require a change in the current U.S. approach to India's membership so that if Pakistan met such criteria it would be eligible too.

Another way forward would be the one that the Obama Administration is reported to be exploring with Pakistan. That is, to negotiate bilaterally steps that Pakistan could take which would then enable the U.S. to make the case with Congress and the Nuclear Suppliers Group that Pakistan deserves to be considered eligible for peaceful nuclear cooperation and possibly membership in the NSG. This approach – if indeed it is what the Administration is pursuing – would be Pakistan-specific rather than a template applicable to India, Israel, or unforeseeably North Korea.

Again, according to rather vague press reports, the Administration is seeking Pakistan's agreement to take steps that would limit several boundaries of Pakistan's future nuclear arsenal. The nuclear deal with India did not require India to limit its production of fissile materials for nuclear weapons, or the types and number of weapons it develops and deploys, or its missile program. I do not know the details of what the U.S. has discussed with Pakistan, but press accounts suggest that the administration is seeking an agreed limit on the size of Pakistan's nuclear arsenal as well as eschewal of deployment of small, battlefield nuclear weapons. The Administration also is reported to be seeking limits on ranges of missile delivery systems Pakistan would develop and deploy. Limitations such as these would ameliorate concerns over Pakistan's role in a nuclear arms race in South Asia. Such limitations on Pakistan's future arsenal also would create more favorable conditions for deterrence stability on the subcontinent. Indeed, limitations on missile ranges could also reassure Israel, the U.S., and other states that Pakistan would not pose nuclear threats to them.

If Pakistan could be motivated to agree to such limitations in exchange for becoming eligible for peaceful nuclear cooperation and membership in the Nuclear Suppliers Group, it is difficult to argue that such an arrangement would not significantly augment international security. In this case, the issue should not be whether to pursue such an arrangement, but rather whether it could be negotiated.

Pakistan will object: it is being required to limit its military capabilities while India is not. One response is that India did not proliferate nuclear material and know-how to North Korea, Libya and Iran as Pakistan did. Another answer is that India has not wittingly harbored groups that conduct terrorism against the U.S., NATO forces, and others. Nor does Pakistan serve U.S. interests in balancing China's power as advocates of the nuclear deal with India believe India will. Nor is Pakistan a potentially large buyer of U.S. nuclear reactors, military systems, or anything else, as India is hoped to be. Additional reasons can be listed. However, from Pakistan's perspective these answers only aggravate the feeling of being denigrated and having their security concerns vis-à-vis India ignored.

One can fairly argue that India does not harbor aggressive intentions towards Pakistan, and that India's current military capabilities do not give it a decisive offensive military edge over Pakistan. Pakistani military leaders respond that American security officials usually say "intentions can change, capabilities are what matter." But, when it comes to India, Americans want Pakistan to rely on professions that India's intentions are not offensive. Pakistanis retort further: if India's offensive capabilities are not overwhelming today, they could become more so in the future, especially given the size and growth of the Indian economy compared to Pakistan. Therefore, the argument goes, Pakistan needs a full spectrum of nuclear capabilities to deter India's future array of weaponry, and cannot agree to sharp limits on these capabilities without corresponding limits on India. For these and other reasons, then, it is highly unlikely Pakistan would agree to the sort of conditions that the Obama Administration is seeking.

Another impediment to the deal is that the benefits reportedly being offered to Pakistan are not as great as they seem. These benefits reportedly include potential U.S. exertions to remove restrictions on peaceful nuclear cooperation with Pakistan, and possible support of Pakistan's membership in the NSG. While it is true that Pakistani leaders have incessantly urged the U.S. to do these things, the reality is that commercial nuclear suppliers from countries other than China – that is, American, Russian, French, Japanese, and South Korean companies – are highly unlikely to pursue contracts to build nuclear power plants in Pakistan. Pakistan lacks the money to pay for multi-billion dollar nuclear plants. The security environment in Pakistan further vitiates these countries' and their companies' interests in the Pakistani nuclear sector. Regarding membership in the Nuclear Suppliers Group, while Pakistan would like to be eligible for it, such membership is not worth the perceived costs of unilaterally limiting Pakistan's future nuclear arsenal without reciprocal limitations on India's arsenal.

Fundamentally, Pakistani decision-makers measure what they want and what they are prepared to trade for it by comparison with India. Others perceive that Pakistan's true national interest is different, but this does not matter, unsurprisingly.

It is also not surprising that Indians who follow these issues are alarmed by reports that the U.S. might seek ways to remove restrictions on nuclear cooperation with Pakistan and open the way for Pakistan's entrance into the NSG. A strong argument can be made that a deal with Pakistan along the lines being reported would significantly improve India's security. But the political psychology of the situation is more complicated. Many Indian officials and commentators feel that U.S. cooperation with Pakistan would devalue the singular favorable treatment extended to India since 2008. As one put it to me recently, "we do not want to be the member of a club that would have Pakistan in it."

Ideally, in terms of regional and international security, arrangements could be reached whereby both India and Pakistan would limit and stabilize their nuclear competition. However, the dynamics of this competition are dauntingly complex. India must not only deter Pakistan, but also China. China's strategic capabilities continue to grow, largely to contend with the United States (and Russia), and also with India. China and India have undertaken no meaningful dialogue on limiting their competition in this domain. Thus, in any consideration of mutual limitations with Pakistan, India still would seek acceptance that its capabilities would need to

grow to balance those of China. Pakistan seems unlikely to accommodate this. Moreover, the cooperation between China and Pakistan in the nuclear, missile, and conventional military domains is a factor in India's calculations. Similarly, the defense cooperation between the U.S. and India enters into the calculations of China and Pakistan. The reported bilateral discussions between the U.S. and Pakistan on a possible nuclear deal do not encompass this broader dynamic, and cannot reasonably be expected to.

Even if it were possible to interest India and Pakistan in exploring ways to stabilize their nuclear (and missile) competition, such exploration would quickly encounter other related challenges. Pakistan feels that it needs a full spectrum of nuclear weapon capabilities to balance India's conventional military capabilities which will steadily grow over time. Pakistan would seek Indian agreement to limit such capabilities. But India counters that threats of terrorism and/or proxy violence emanating from Pakistan require a build-up of India's conventional military capabilities. India needs to be able to demonstrate that it could defeat the Pakistani military in response to future terrorist attacks on India. Otherwise, the argument goes, the Pakistani security establishment will not be motivated to demobilize anti-India actors. In other words, the nuclear competition probably cannot be ameliorated without simultaneous address of the sub-conventional and conventional confrontation between Pakistan and India. But neither the U.S. nor any other outside power alone can create the array of incentives that would motivate and facilitate leaders of Pakistan and India to act constructively to untie the many strands of competition that are now knotted.

In conclusion, the purpose behind the reported engagement by the Obama Administration with Pakistan in exploring a potential "nuclear deal" is constructive. The problem is not the desirability of such an effort, but rather its feasibility.

Mr. POE. Thank you all for all of the information, valuable information. And, of course, your official statements are part of the record.

I will say this at the outset. Many members may have questions in writing that will be submitted to you. They are not in attendance. But look forward to, during the holidays, answering some of those questions and sending them back to us.

I will start and yield myself 5 minutes for questions.

Dr. Markey, what is the name of the terrorist organization responsible for the Mumbai terror attack?

Mr. MARKEY. Lashkar-e-Taiba.

Mr. POE. And are they in Pakistan?

Mr. MARKEY. I believe, so, yeah.

Mr. POE. How big are they?

Mr. MARKEY. Thousands.

Mr. POE. And has Pakistan done anything to hold them accountable for that attack?

Mr. MARKEY. Not nearly as much as we would like.

Mr. POE. What have they done, briefly?

Mr. MARKEY. In brief, what they—

Mr. POE. Nobody has been arrested, have they?

Mr. MARKEY. Well, yes, they have, but they weren't kept locked up.

I think what they have done is they have tried to put a lid on LET, on its operations, particularly any operations that would cross into India, and to—they would claim, that is—try to keep their violent activities to a minimum.

But what they haven't done and what is quite obvious to anybody watching is keep a lid on LET's leadership or keep it out of the media and keep it from organizing and from conducting large-scale rallies in major Pakistani cities that Indians, of course, and others see as profoundly troubling.

Mr. POE. A question regarding nuclear proliferation. We talked about what Pakistan—I mentioned about Pakistan helping North Korea, Iran, and Libya develop nuclear weapon capability. What about currently? Are they still sort of a rogue nation helping deliver any type of nuclear capability to anyone, terrorist organizations or nation-states?

Yes, sir, Mr. Sokolski?

Mr. SOKOLSKI. The big question is what connection, if any, will they possibly have in the future to Saudi Arabia. And pundits love to say that will never happen, and pundits love to say it will happen. We don't know.

Mr. POE. So there is that possibility.

Mr. SOKOLSKI. There is.

Mr. POE. And if we agree to this type of nuclear agreement with Pakistan, who is I don't think an ally of the United States, then allies of the United States, such as Israel, will want the same deal. Is that correct? Is that what you said, Mr. Sokolski?

Mr. SOKOLSKI. It is a problem.

I used to work for a man who just died, Harry Rowen, who was Assistant Secretary of Defense, had to deal with these problems. He always said that whenever he talked with Indians and they brought up the topic of nuclear reactors or rockets he would try to

change the subject. Very good counsel. I think changing the subject here is important.

In the case of Pakistan, one of the things they want is equality at some level or recognition of their nuclear systems. One of the things we probably would have to do if we wanted to try to moderate their posture is think about some limit that we could enter into as well as them.

One such thought, having to do with Saudi Arabia, is perhaps it is time that we agree not to send nuclear weapons on other countries' soil, beyond what we have already done, to any additional countries, and they should agree to do so, as well. I actually brought this up with some Pakistani generals. They were very excited about the idea. That was some time ago. We should take it up again, I think.

Mr. POE. What is the effect of our continuing to give foreign aid, military reimbursement to Pakistan? I understand they are in the top five of all the countries that we give foreign aid to. Has that done anything to bring Pakistan, their rogue activities, whether it is support of terrorism or anything else, to the table to deal candidly with the United States?

Ambassador?

Ambassador HAQQANI. The simple answer is no.

There have been some half-hearted and insufficient measures. Right after 9/11, General Musharraf promised a complete turnaround. You might recall that, at that time, the administration believed that Pakistan had turned around, only to find a few years later that support for Afghan Taliban was continuing. Later on, of course, one faction of the Afghan Taliban, the Haqqani network, became the big issue.

The problem there is that Pakistan's own view of its national interest prompts it in acting very differently from what it says that it will do to the United States, which are commitments it has to make to Washington primarily to keep getting that aid. So I have, in many of my writings, argued that, in effect, that aid serves as a subsidy to Pakistan for bad policies that the United States thinks it wants to have changed.

Mr. POE. One question, just yes or no. Should the United States reevaluate its commitment to sending \$1 billion, approximately, a year to Pakistan?

Ambassador HAQQANI. Yes. It should reevaluate.

And the reevaluation should be based on Pakistan's actual needs. Pakistan's real needs right now are not more military. Pakistan already has the world's eighth-largest military. But 48 percent of Pakistan's school-going-age children don't go to school. So if American money was to be sent to Pakistan to help Pakistan, it should be directed at those 48 percent school children, not at the Pakistani military.

Unfortunately, money is fungible. That is why Congress, in its Enhanced Partnership with Pakistan Act, made it very clear that the military should no longer control decision making because then that enables the military to get the money diverted to itself. Unfortunately, the provisions of the Enhanced Partnership with Pakistan Act have all been subjected to waivers rather than to the certification that Congress desired.

Mr. POE. Thank you, Ambassador.

I yield 5 minutes to the ranking member from Massachusetts, Mr. Keating.

Mr. KEATING. Well, thank you.

We have another rollcall. I don't want to have you come back for another series, so I am going to ask you to be very brief. But a couple of things.

We were just approaching this, Ambassador. You wrote an article in the Wall Street Journal. You know what it is, obviously. But I want to ask you, in a sense, you are saying part of the problem with Pakistan is the delusion that it is the equal of India.

What is the U.S. doing to add to that delusion? What should we be doing to change that delusion?

Ambassador HAQQANI. In all Pakistani attempts at getting a strategic calculus, there is always an assumption that they will continue to have military assistance from the United States in one form or another. So military assistance from the United States makes Pakistan think that it can actually qualitatively compete with the United States—although that is becoming increasingly difficult, with American military equipment being available to India as well. Previously, it was not, especially during the Cold War. But I think that military assistance does lead to that delusion, number one.

Number two, on almost all occasions, the administration, in particular, tries to always try and assuage Pakistani feelings whenever something happens in India-U.S. relations.

I think both those things need to change.

Mr. KEATING. Let me just comment quickly, too. If we were ever, hypothetically, to do a negotiation, it sounds very naive, but who are we really dealing with in Pakistan? Is it the ISI? Who is making the decisions?

Ambassador HAQQANI. It is the Pakistani military, which also controls the ISI. And, unfortunately, the military always uses the excuse that the civilians are there, so it negotiated with the civilians when the military doesn't want to deal. But when the military wants something to be decided, they come do you directly.

And, unfortunately, that is something you have encouraged by talking to both separately, not insisting on civilian control of military institutions as was provided for in the Enhanced Partnership with Pakistan Act.

Mr. KEATING. I also think that at the nucleus of a lot of these issues is the fact that Pakistan, to be a modern and thriving country, to compete with the countries they want to compete with, they have to get control of their own economy and their own revenue.

We have been there. I know the chair has been there. I have been there. The revenue system there is incapable of supporting any kind of modern economy.

Now, don't you think, before we are talking about these other issues, or to not deal with these issues, we can't even really begin to talk about the issues that are the centerpoint of this hearing. I honestly think that is the starting point there. And you touched upon it with the aid we have.

So could anyone comment on that? To me, that seems the primary issue.

Ambassador HAQQANI. Basically, aid has become a substitute for revenue in Pakistan. Pakistan has one of the worst tax-GDP ratios of any country in the world. And although every few years, when the American direct aid is less than quantum and the IMF is dealing with Pakistan, the IMF always insists on Pakistan enhancing its tax base, but it is almost never done. And for strategic considerations—which basically means Pakistan is too big to fail, so, therefore, let's bail them out—those considerations are always set aside.

Mr. KEATING. I am reminded, in our own country, the former Chair of the Joint Chiefs, General Dempsey, at the end of his nomination process, he was asked what was the most important issue for the U.S. security or military, and he said, "Our economy." And I think this holds true here.

I yield back.

Mr. POE. I thank the gentleman.

We will be in recess for another vote. And as soon as that vote is over, we will resume this hearing. Thank—

Mr. SHERMAN. Mr. Chairman, would you object if I asked questions while you gentlemen are voting? Because I voted on this Capps motion.

Mr. POE. I will need to be here when you do it. So we won't be gone long.

Mr. SHERMAN. Okay.

[Recess.]

Mr. ROHRABACHER [presiding]. The subcommittee will come to order.

And now you can see why American foreign policy is right on target every time.

Mr. PERKOVICH. Now you are in charge.

Mr. ROHRABACHER. There you go.

And I now call on my good friend from California, Mr. Sherman, for his questions.

Mr. SHERMAN. I will address this one to Ambassador Haqqani, but others can chime in, as well.

There has always been some dispute between Shiites and Sunnis in Pakistan. As I understand it, General Bhutto was a Shiite at a time when that did not preclude him from leading Pakistan. There is cooperation sometimes between Iran and Pakistan. At the same time, you see an intensification of Shiite-Sunni terrorist acts in Karachi. Worldwide, the split between Shiites and Sunnis has gotten considerably deeper as the Alawite in Damascus has killed at least 200,000 Sunni Muslims.

Is it politically difficult for Islamabad to cooperate with Tehran given the worldwide intensification of the split between the Shiites and the Sunnis?

Ambassador HAQQANI. The short answer to the last part of your question, Congressman, is that, yes, it is difficult for Pakistan to cooperate with Tehran, although that hasn't stopped individuals within the Pakistani Government, different branches of the government, from cooperating.

Shias constitute 15 percent of Pakistan's population, but relations between Shias and Sunnis generally have not been bad since independence. The founder of Pakistan, Muhammad Ali Jinnah, was Shia. Many members or Prime Ministers, specifically Bhutto's

government, were Shia. General Yahya Khan, who was one of Pakistan's several military dictators, was Shia.

This is more of a recent phenomenon in the last 20, 30 years. It has evolved as a proxy war between Saudi Arabia and Iran that has resulted in sectarian killings in Pakistan.

The good part of it, of course, is that still we don't see a bloodbath between Sunnis and Shias in towns where they live together. And, as far as policies are concerned, Pakistan has generally tended to side with Saudi Arabia rather than Iran on most questions.

Mr. SHERMAN. But on proliferation issues, has Pakistan cooperated with Iran?

Ambassador HAQQANI. Well, the A.Q. Khan network certainly supplied designs and equipment to Iran, although the Pakistani Government took the position that those were unauthorized.

Mr. SHERMAN. Yes.

Pakistan is 72-percent Punjabi—or correction, the military is 72-percent Punjabi. The country is about 54-percent Punjabi. And I would assume the officer corps is more than 72 percent; and the generals, probably far, far more than that.

Does this cause dissatisfaction among the other ethnic groups in Pakistan? And does that pose a risk for the military? Do you see the military perhaps changing and making a point of bringing in Sindhis and Baloch and Mohajir and other into the military?

Ambassador HAQQANI. The makeup of the Pakistan Army, in particular, has changed very little since independence because it was based on British Government's martial racist theory. They basically thought that certain ethnic groups were more martial than others, and they precluded groups such as the Sindhis from joining the military.

Now, even if they make an attempt to try and have the army reflect the ethnic makeup of the country, it would take many, many years before a Sindhi who joins as a second lieutenant now or a Baloch who joins as a second lieutenant now, that he will have a shot at becoming a general.

Pakistan has not had a single Sindhi general ever in its history, and it has had only one Baloch three-star general in its history.

Mr. SHERMAN. Not even a one-star Sindhi? Wow.

Ambassador HAQQANI. Not that I know of.

Mr. SHERMAN. And you say even if the Pakistani Army tried to open it up it would take them a long time. Are they trying?

Ambassador HAQQANI. They say that they are, but we all know that on a lot of occasions and on a lot of subjects what they say is not what is happening on the ground.

Mr. SHERMAN. We cooperate with Pakistan in a variety of different categories. Does it make sense to compartmentalize our relationship on nuclear issues and keep that separate from our relationship on other issues—for example, terrorism?

Ambassador HAQQANI. Personally, I think that it does not make sense, for the simple reason that all cooperation feeds into what I call Pakistan's military's delusion of equality, not "equality" in a principle sense but "equality" in a weapons-system-for-weapons-system sense, which is not easy to do for a country as poor as Pakistan.

Mr. SHERMAN. They view themselves as the military equal of the United States? Of India?

Ambassador HAQQANI. Of India.

Mr. SHERMAN. Of India. Yeah.

Ambassador HAQQANI. But I am sure that my colleagues here would have some opinion on this matter, as well, because there are many people who think that nuclear issues can be compartmentalized from other issues. And I think it would be fair to—

Mr. SHERMAN. Let's hear from Dr. Markey on that.

Mr. MARKEY. I think that you have to be careful about the question of linkage across all of these issues. And, you know, there is the Pakistan that we wish it would be, and it is nothing like the Pakistan that really is. And that Pakistan is a Pakistan that is deeply troubling. And it is also a Pakistan that could be significantly worse. And so we are always caught in a situation of just what kind of risk do we want to run.

With respect to stovepiping nuclear issues, there is certainly the issue of just how sensitive they are, and there is also the issue of the, sort of, technical aspects, which leads then necessarily to this kind of stovepiped area that is separate from others.

But with respect to how they fit into our broader concerns, I think it has typically been the case that U.S. policymakers have placed them at the top of our list and yet have seen that our ability to reach in and do anything about it seriously—and that is, you know, a lot of the topic that we are here to discuss today, our ability to actually change their nuclear policy—is very, very limited.

Mr. SHERMAN. Dr. Perkovich?

Mr. PERKOVICH. I think you have to be prepared to separate the issues and treat them separately, especially when there is an opportunity to do something constructive. And there, it would be self-defeating to link.

And just do the thought experiment. We are very concerned about terrorism, for example. So if there were a new Al Qaeda in Pakistan and we were aware of it, and all of a sudden they were prepared to cooperate with us, we would do what it would take to facilitate that, regardless of whether they improved their tax collection or whatever else they are doing.

And so, on nuclear policy, both from the standpoint of securing materials and facilities against terrorism or in a crisis where you are worried about a nuclear war with India, that becomes front and center, and you deal with that as you have to, and you forsake linkage. So I think, you know, we shouldn't be naive about the need to do that.

It is not exactly correct to say nuclear has always risen to the top. And Henry knows this very well, as well. When the Soviets invaded Afghanistan, for very understandable reasons, beginning 1979 throughout the 1980s, the U.S. put nonproliferation to the side and put driving the Soviets out of Afghanistan as the number-one priority, and so didn't exercise all of the leverage or even the legal authorities that it had at the time to pressure Pakistan on nonproliferation.

Now, we don't need to relitigate that; there was a good reason to do it. But it hasn't always been the case that nuclear is the most pressing issue.

Mr. SHERMAN. I yield back.

Mr. ROHRBACHER. Thank you very much.

And, as I am in the chair, I will yield myself whatever time is necessary.

First and foremost, let me just note that I have had a long, long relationship with Pakistan and with that part of world. I was probably elected as Pakistan's best friend in Congress. And I have to say that, during the 1980s, I was involved with Pakistan at the highest level, in terms of supporting the mujahideen fight against the Soviet Union in Afghanistan.

Even then, there were reasons for concern. The lion's share of the supplies that we provided for the mujahideen went to Hekmatyar Gulbuddin. And the ISI, which is the intelligence unit there and their military intelligence in Pakistan, intentionally gave the most radical of the elements most of the weapons and supplies that we were providing.

I found that, even then, to be, you know, upsetting and not thinking in terms of the long run, except I had assumed that because the ISI military people I was working with were all clean-shaven and looked like British officers that they were not radicals. I think I made a mistake.

And so, after the Soviet Union was eliminated from Afghanistan—which I am proud to have played a part in that effort—there was a period of chaos, and the Taliban emerged. Why did the Taliban take power? Taliban took power because the people in Pakistan set it up and organized and supported and supplied the Taliban and then cut a deal with the Saudis to finance the Taliban. And, thus, the people of Afghanistan had radicalism, the Taliban version, shoved down their throats and started this whole cycle that has been so damaging.

Let me note, after that, after 9/11 and all the way up until 9/11, the Pakistani ISI was deeply involved in supporting the Taliban and, thus, terrorism—terrorism—throughout the region and throughout the world.

And, after 9/11, yes, I am told that the Pakistanis became very cooperative. I don't know the details about that. I would assume they were cooperative at some point because we were, at that point, willing to really do some damage to people who were getting in our way of seeking revenge for the slaughter of 3,000 Americans on 9/11.

However, during that same period of the greatest height in our concern, the Pakistani Government saw fit to give safe haven to Osama bin Laden.

First of all, is there anyone on the panel who believes that the high-level Pakistani authorities did not know that Osama bin Laden was in their country? Is there anyone here who could say, no, no, they didn't know, we got to give them the benefit of the doubt?

No, I have never met anybody willing to say that.

And then, of course, since Osama bin Laden was brought to justice, we have Dr. Afridi, the man who helped us bring him to—he has been arrested by the Pakistani Government and thrown into a dungeon. And, to me, that is an insult, an intentional insult, to the American people, who have just seen our people slaughtered, that

they are going to do harm to the person who helped us bring to justice the murderer of our people.

So all of those things lead me, kind of, to think that maybe the Pakistan that I was supporting during the Cold War because they were supporting the United States is—that was either a really bad decision on my part back then, or we have evolved into a situation where Pakistan was once our friend and is now an enemy.

And I will let you guys comment on that. But let me note one of our greatest adversaries now in the world, not an enemy of ours but an adversary, is China. And it is not Russia anymore. I mean, a lot of people want to have Russia as our enemy again, but it isn't, as compared to China is our adversary, possibly enemy. And Pakistan's Government is what? Trying to have as close a relationship to China has they can.

And that leaves us, then, with what other analysis can they—we are talking about nuclear materials here today. We have a country with all of that background, and we have to ask ourselves, do they deserve our trust for a civilian nuclear program?

And I am going to let each one of you answer that question, but I want to leave one last item on the table. And that is the Pakistani Government has to be judged on what they have done and why that have done some of these things. Those things that I just outlined are damaging to the security of the United States and the peace of the world. But what they are doing, it seems to me, to their own people, the Baloch, the Sindhis, Christians, is unforgiveable and unconscionable.

And we have let it ride. We have just let it slide. We continue giving them weapon systems that are used to destroy Baloch villages. We give them weapons that, instead of being used against the Taliban, are being used against people in their own country who oppose their government. And I think that is something that—all of these things are important considerations.

So let me ask the panel, number one, none of you decided to say that Pakistan probably didn't know that Osama bin Laden was there. So let me just ask right down the line: Does the Pakistani Government today deserve our trust when it comes to this nuclear development?

If you could just give me about a 30-second answer on that, and go right on down the line, that is fine.

Ambassador HAQQANI. Congressman, I have already laid out my views in my written testimony and in two books in which I make the point that the focus of Pakistan has been—and American interests and Pakistani interests do not converge. They have not converged for a while.

During the Cold War, Pakistan was interested in getting American military and economic assistance to compete with India, and it made some concessions to America in return. The problem is that in Washington there are always people who are willing to see the Pakistani glass as half-full, and they don't see it from the view of the Pakistani people.

Pakistan's children don't go to school, or 48 percent of them don't go to school. The Baloch are being repressed. The Mohajirs in Karachi are being repressed. Sindhis have their own set of complaints. The support of the Taliban has actually resulted in blow-

back that has disrupted our own society. And one institution, which is the Pakistani military, dominates all others. That is not a healthy situation.

American policy should be directed at trying to force or make or convince Pakistan into becoming a normal country where schools run, where electricity is available, where the aspirations of the people are answered, and not just some dream of the military of great conquests, which it hasn't been able to fulfill except when it is oppressing and repressing its own people.

Mr. ROHRABACHER. So the answer was "no"?

Ambassador HAQQANI. Absolutely. That was a rather long "no," but yes, Congressman Rohrabacher.

Mr. ROHRABACHER. Thank you.

Doctor?

Mr. MARKEY. Thank you.

I think the question about nuclear negotiations with Pakistan should be judged—the utility of those negotiations should be judged on whether they are realistic and whether they could serve U.S. interests.

And I think, right now, the answer to the first question of realism is "no," it is unrealistic on both sides. And, at the moment, the answer to the second question is also "no."

Mr. SOKOLSKI. As I made clear in my testimony, I think it is a bad idea generally to go running around the world with nuclear carrots, particularly in the subcontinent. I would not limit it to Pakistan. I don't think the India deal was a winner either. And it seems to me, you can actually make things much worse by playing with this.

If you need to negotiate, I would do it on the merits. And I would, as you have laid out, expect performance as a function of what it is you are willing to offer. And I don't think the nuclear area offers very much practically, and it can be really militarily dicey—that is to say, self-defeating. I would stay clear of it.

Mr. PERKOVICH. I don't think these things are done on the basis of trust. If they were, the answer would be a simple "no." But as your former colleague or Governor first in California—I am a Californian—President Reagan—you know, "Trust but verify." I would always say, "Distrust and verify." And so that would be the proposition here.

And I don't think we are going to have an agreement, so I don't think it is going to be an issue really.

Mr. ROHRABACHER. Well, there are two factors.

Number one, we do have the technological capabilities of building nuclear reactors today that will not have the waste left over, like the Iranian reactor will, producing nuclear weapons. And there is a whole new generation possible of nuclear power plants. So, no matter what we would ever do, we should—in fact, not just Pakistan but anyone that we are involved with, expanding the realm of nuclear power should be based on the new technology rather than the old technology. Because we don't need no leftover material that can be used for nuclear bombs. We don't need that anywhere. So that is the number-one thought.

And let me just suggest that we give hundreds of millions of dollars every year to Pakistan. I would hope that we come to our

senses and, number one, treat Pakistan as it deserves to be treated by the decisions they have made that affect us. And all of their recent decisions have been contrary to America's security needs and contrary to the peace of the world.

So I would hope that we would—then I would hope that, if we make those decisions, that the Pakistani people themselves will understand what is going on, the repercussions of it, and start insisting on people to govern them who are more consistent with these values that we are expressing today.

So I would call on my colleagues to join me in eliminating that aid that we are giving to Pakistan, at least until Dr. Afridi is set free as a sign of good faith to us.

And, with that, I would recognize my good friend, who is almost as outspoken as I am.

Mr. WILSON. Thank you, Mr. Chairman.

And thank you, panel, for being here today.

I am really grateful to be here with Congressman Rohrabacher. I appreciate his persistence in regard to the doctor, and that really should be so important for the relationship that we have with Pakistan. Additionally, I appreciate his expertise on nuclear reactors, as we just heard. And so that is just very helpful.

My association and appreciation of South Asia is that my dad served in the Flying Tigers during World War II. And of all things—even Dana doesn't know this—but he departed by boat, of all things, from Miami, Florida, went through the Suez Canal in 1944 and landed at Karachi, and then went to service to protect the people of China and South Asia. So I am just very grateful, with that background.

And then I had the opportunity to actually see a remarkable effort of cooperation, the earthquake relief in Muzaffarabad, where American and Pakistani military worked together. And there was a field hospital set up for female doctors to serve the injured female citizens of that region. It was a remarkable situation which I had hoped the people of Pakistan would see the hopes that we have for their country.

And then, finally, a remarkable opportunity that I had that is very sad in retrospect, Prime Minister Benazir Bhutto visited my home community of Lexington, South Carolina, and was a speaker at a dinner there for a local medical foundation. She made such a great impression. My wife was so impressed. Sadly, I was at her home in December 2007 and had breakfast, and 10 days later she was assassinated.

So it just is heartbreaking to think—and then, Ambassador, for you to keep citing, correctly, the lack of education, that just breaks your heart for a country that should be doing well.

Putting that in mind, Ambassador, would cooperation with the U.S. be valuable enough for Pakistan for it to consider joining the Nuclear Non-Proliferation Treaty?

Ambassador HAQQANI. While it would be in Pakistan's interest to consider all options of joining nuclear restraint regimes—because, very frankly, the pursuit of nuclear competition will not necessarily be in Pakistan's interest—I do not see that happening.

The opposition to joining the Non-Proliferation Treaty as well as the CTBT has been very entrenched. And, so far, Pakistan's estab-

lishment, as it is called, the Pakistani military and the intelligence service, have shown no interest in encouraging participation in those restraint regimes.

Mr. WILSON. And I appreciate you pointing out that it would certainly be in the interest—

Ambassador HAQQANI. Yes.

Mr. WILSON [continuing]. Of the people. It would actually be in the interest of the military, the government, whatever. But thank you for raising that.

And, Mr. Sokolski, with the three pillars of the Nuclear Non-Proliferation Treaty, NPT, being nonproliferation, disarmament, and the right to peacefully use nuclear technology, is it wise for the United States to enter into a 123 agreement with countries that cannot agree to these basis tenets?

Mr. SOKOLSKI. The three pillars you refer to is a doctrine that was promoted first by the Italians and the South Africans. It is not really in the treaty or even in the negotiating record.

But just taking it nonetheless, I think, in general, you have to have standards for the NPT to mean anything. And we have been backing away from those standards too steadily over the last, I would say, 20 years.

The key one—and I think a lot on the panel will agree on this—was the India deal. I think that was a step backwards. So we are a little bit on our back heels right now. But you do want to insist on certain restraints that I don't think Pakistan will agree to.

Mr. WILSON. And thank you for your insight.

And for any of you or all of you, currently, the Pakistani civilian nuclear program consists of three operational reactors. And we know that they have already entered into a 123 agreement with the Chinese.

Is the nuclear energy market in Pakistan large enough to be attractive to the U.S. nuclear industry?

Mr. SOKOLSKI. I would like to take that.

Most of the money that those reactors cost is financed by China. Without that financing, there would be no construction. So it is a negative market. In other words, you have to—listen, you don't sell the reactor so much as the financing.

And I don't think that is a market that—I mean, I would hesitate to speak on behalf of the industry, but I doubt they are interested in going in.

Mr. WILSON. And, to me, that is very unfortunate.

Well, go ahead, please, Dr. Perkovich.

Mr. PERKOVICH. Just to add, Henry is right. And I think for your thinking about this, too, there is no vendor other than the Chinese who would seek to build nuclear power plants in Pakistan for the reasons that Henry mentioned. Pakistan doesn't have the money, and it is not a secure enough environment.

Now, one of the problems that that raises is that is why the incentive that would be offered to the Pakistanis to control their nuclear program, if it is, "We will sell you nuclear power plants," it is not really an incentive because they know they can't buy these plants either. And so it is another reason why this kind of deal won't actually work.

Mr. WILSON. Well, that is disappointing because I know, in my home State of South Carolina, over 60 percent of all electrical generation is clean, green nuclear. And it has enabled us to compete with the rest of the world in terms of manufacturing and living standards.

And I just hope that something can be done to address the extraordinary issue of reliable electrical generation for the people of Pakistan. And whatever that is, I am happy to try to back each of you up.

Mr. SOKOLSKI. Last night or, I guess, two nights ago, one does research before they come here I hope, and I did. So what do you do? You go on Google. And I plugged in "USAID," "World Bank," "Asian Development Bank," and I put in "electrical generation."

And what I got was really very disturbing. What you got were IG reports on all of the fraud associated with the aid that had been expropriated by the Pakistanis in ways that you couldn't even get to, well, what were we trying to do? When you got to the third page of the entry, you were able to see that USAID is trying to do a lot of sensible things. So is the Asian Bank. But it is all non-nuclear. And as I explained in the testimony, there are good reasons for that. It has to do with the expense and the availability of things like natural gas.

So it is certainly something to hope for, but it certainly is not something to start with. I think that is sort of the basic point.

And the good-governance question overrides all economic questions here. I mean, it is quite obvious. It is just embarrassing that we have to see IG reports before you get to what USAID wants to tell you. You know, it was a whole page of them. It was very disheartening.

Mr. WILSON. Well, thank you for your research.

Thank you, each of you, for your insight.

Mr. ROHRBACHER. Well, thank you.

And Congressman Wilson has been a wonderful person to work with over the years. And he takes this job very seriously, as we all do.

And this issue today, I think, is of—it should crystalize in our minds what we are dealing with in terms of Pakistan. Can we trust the Pakistani Government to engage with us in a deal concerning nuclear power? And if we can't, which is what I am understanding today and which my common sense tells me, why are we then giving so much aid, providing military equipment to a government, a regime, that we can't even trust to deal with a civilian electricity through nuclear energy program?

We need to reassess. The time is far past when we should have made the decision. But today we need to make the decision of reassessing our strategic position with Pakistan, trying to push them in the right direction by letting them know there are consequences to bad behavior and behavior that hurts other people.

And so, with that said, I appreciate your testimony, the insights you have given us today. I appreciate Congressman Wilson being with us today and, of course, Judge Poe for calling this hearing.

With that said, this hearing is adjourned.

[Whereupon, at 3:51 p.m., the subcommittee was adjourned.]

A P P E N D I X

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**SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

Subcommittee on Terrorism, Nonproliferation, and Trade

Ted Poe (R-TX), Chairman

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Terrorism, Nonproliferation, and Trade in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Tuesday, December 8, 2015
TIME: 2:00 p.m.
SUBJECT: Civil Nuclear Cooperation with Pakistan: Prospects and Consequences
WITNESSES: His Excellency Husain Haqqani
Director for South and Central Asia
The Hudson Institute

Daniel S. Markey, Ph.D.
Senior Research Professor
School of Advanced International Studies
Johns Hopkins University

Mr. Henry D. Sokolski
Executive Director
Nonproliferation Policy Education Center

George Perkovich, Ph.D.
Vice President for Studies
Carnegie Endowment for International Peace

By Direction of the Chairman

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COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Terrorism, Nonproliferation, and Trade HEARING

Day Tuesday Date December 8 Room 2171

Starting Time 2:01 p.m. Ending Time 3:51 p.m.

Recesses 2 (2:13 to 2:45) (3:19 to 3:21) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman Ted Poe

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

TITLE OF HEARING:

Civil Nuclear Cooperation with Pakistan: Prospects and Consequences

SUBCOMMITTEE MEMBERS PRESENT:

Reps. Poe, Keating, Wilson, Sherman

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Rep. Rohrabacher

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

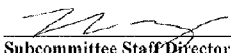
STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

SFR by Mr. Henry Sokolski - Nuclear Nonproliferation Act of 1978 (pgs. 1101-1102)

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 3:51 p.m.


Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY MR. HENRY D. SOKOLSKI, EXECUTIVE
DIRECTOR, NONPROLIFERATION POLICY EDUCATION CENTER

Nuclear Nonproliferation Act of 1978 (P.L. 95-242)

1101

- (b) Nothing in this Act shall affect the authority to include dispute settlement provisions, including arbitration, in any agreement made pursuant to an Agreement of Cooperation.
- 42 USC 2160a. Sec. 406. Review**
No court or regulatory body shall have any jurisdiction under any law to compel the performance of or to review the adequacy of the performance of any Nuclear Proliferation Assessment Statement, or any annexes thereto, called for in this Act or in the 1954 Act.⁷
- 42 USC 2153e. Sec. 407. Protection of the Environment**
The president shall endeavor to provide in any agreement entered into pursuant to section 123 of the 1954 Act for cooperation between the parties in protecting the international environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities.

Title V--United States Assistance to Developing Countries

- 22 USC 3261. Nuclear and non-nuclear energy, resource development. Sec. 501. Policy: Report**
The United States shall endeavor to cooperate with other nations, international institutions, and private organizations in establishing programs to assist in the development of non-nuclear energy resources, to cooperate with both developing and industrialized nations in protecting the international environment from contamination arising from both nuclear and non-nuclear energy activities, and shall seek to cooperate with and aid developing countries in meeting their energy needs through the development of such resources and the application of non-nuclear technologies consistent with the economic factors, the material resources of those countries, and environmental protection. The United States shall additionally seek to encourage other industrialized nations and groups of nations to make commitments for similar cooperation and aid to developing countries. The President shall report annually to Congress on the level of other nations' and groups of nations' commitments under such program and the relation of any such commitments to United States efforts under this Title. In cooperating with and providing such assistance to developing countries, the United States shall give priority to parties to the Treaty.
- 22 USC 3262. Developing countries, energy development programs. Sec. 502. Programs**
(a) The United States shall initiate a program, consistent with the aims of section 501, to cooperate with developing countries for the purpose of--
(1) meeting the energy needs required for the development of such countries;
(2) reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy resources; and
(3) expanding the energy alternatives available to such countries.
- Assessment and cooperative projects. (b)** Such program shall include cooperation in evaluating the energy alternatives of developing countries, facilitating international trade in energy commodities, developing energy resources, and applying suitable energy technologies. The program shall include both general and country-specific energy assessments and cooperative projects in resource exploration and production, training, research and development.

⁷ Amended by P.L. 105-277, Div. G, § 1225(e)(5), 112 Stat. 2681-774 (1998).

Experts,
exchange.

(c) As an integral part of such program, the Department of Energy, under the general policy guidance of the Department of State and in cooperation with the Agency for International Development and other Federal agencies as appropriate, shall initiate, as soon as practicable, a program for the exchange of United States scientists, technicians, and energy experts with those of developing countries to implement the purposes of this section.

Appropriation
authorization.

(d) For the purposes of carrying out this section, there is authorized to be appropriated such sums as are contained in annual authorization Acts for the Department of Energy, including such sums which have been authorized for such purposes under previous legislation.

22 USC 2151a.
22 USC 2151d.
22 USC 2151q.

(e) Under the direction of the President, the Secretary of State shall ensure the coordination of the activities authorized by this Title with other related activities of the United States conducted abroad, including the programs authorized by sections 103(c), 106(a)(2), and 119 of the Foreign Assistance Act of 1961.

22 USC 3262
note.
Presidential
report to
Congress.

Sec. 503. Report

Not later than twelve months after the date of enactment of this Act, the President shall report to the Congress on the feasibility of expanding the cooperative activities established pursuant to section 502(c) into an international cooperative effort to include a scientific peace corps designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of such countries through the search for and utilization of indigenous energy resources and the application of suitable technology, including the widespread utilization of renewable and unconventional energy technologies. Such report shall also include a discussion of other mechanisms to conduct a coordinated international effort to develop, demonstrate, and encourage the utilization of such technologies in developing countries.

Title VI—Executive Reporting

22 USC 3281.
Governmental
nuclear
nonproliferatio
n activities.

Sec. 601. Reports of the President

(a) The President shall review all activities of Government departments and agencies relating to preventing proliferation and shall make a report to Congress in January of 1979 and annually in January of each year thereafter on the Government's efforts to prevent proliferation. This report shall include but not be limited to—

(1) a description of the progress made toward—

(A) negotiating the initiatives contemplated in sections 104 and 105 of this Act;

(B) negotiating the international arrangements or other mutual undertakings contemplated in section 403 of this Act;

(C) encouraging non-nuclear-weapons states that are not party to the Treaty to adhere to the Treaty or, pending such adherence, to enter into comparable agreements with respect to safeguards and to forswear the development of any nuclear explosive devices, and discouraging nuclear exports to non-nuclear-weapon states which have not taken such steps;

(D) strengthening the safeguards of the IAEA as contemplated in section 201 of this Act; and

(E) renegotiating agreements for cooperation as contemplated in section 404(a) of this Act;